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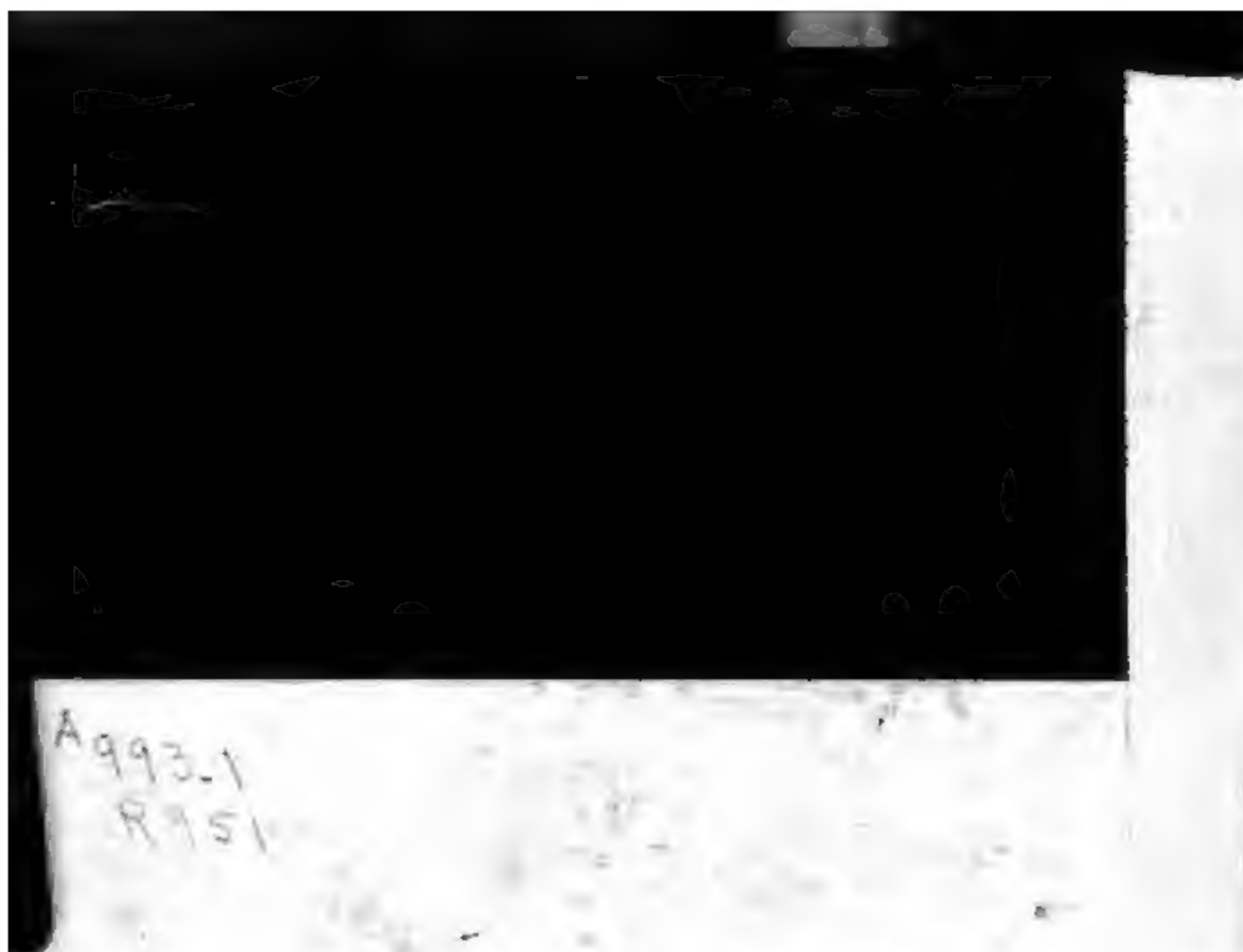
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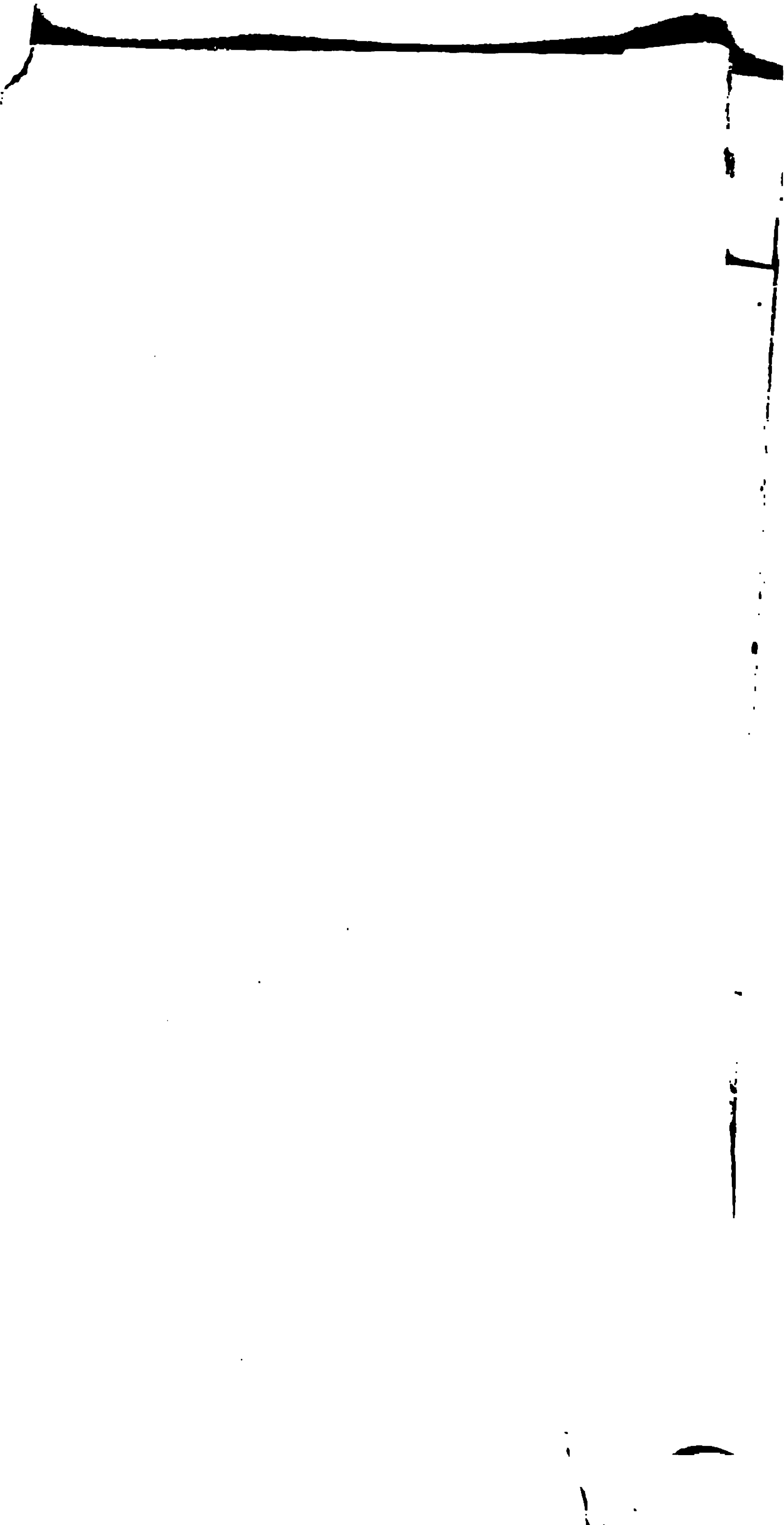


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# HISTORY OF NEW ZEALAND.

VOL. I.





HISTORY  
OF  
NEW ZEALAND.

BY  
G. W. RUSDEN.

*IN THREE VOLUMES.*

VOLUME I.

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## PREFACE.

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IT is impossible to study the facts connected with the Maori race without being deeply interested in their fortunes. With whatever motive any one might undertake to write a history of the English occupation of New Zealand, he is no sooner confronted by the facts with regard to the Maoris—their polity, their laws, their sagacity, their cannibal rites, their blood-thirstiness, their heroism, their generosity, and their eloquence—than he finds that amongst them, and not amongst the invaders of their country, will be found the chief and most lasting interest of his work. He will find also that many of the hundreds of volumes written about New Zealand transmit statements originally put forward by those who had an interest in deception in order to conceal their own misdoings. But, though the task may be laborious, he will find also, by diligent search amongst authentic records, ample proof of the real facts, and of the methods by which they have been obscured or misrepresented.

If, by repetition, a man may, as Shakspeare tells us, make such a sinner of his memory as to credit his own lie, how much more easily may the public embrace an error which is unwittingly propagated by those who copy in one work what they find printed in another! Fortunate is it that there have been always upright Englishmen on the spot to protest against wrong-doing. It will suffice to mention the names of three ;—Sir William Martin, Bishop Selwyn, and Walter Mantell—whose voices were ever raised for the right, and whose statements will bear the strictest comparison with formal official records from time to time presented to Parliament. Various circumstances, amongst which must be included the romantic nature of the mission of Marsden, the apostle of New Zealand—the humane and tireless efforts of the Aborigines' Protection Society—the rumours of French intervention—the craft of Louis Philippe—the Treaty of Waitangi—the genius and labours of Gibbon Wakefield—the rapacity of the New Zealand Company—the blunders and faithlessness of Lord John Russell—the manly good faith of the late Earl of Derby and the great Sir Robert Peel,—and the character of Bishop Selwyn—have caused Parliamentary and other records to be peculiarly rich respecting New Zealand affairs. There is little of an historical character which may not in some form be found in Blue-books or in Hansard, but the



perusal of scores of thousands of pages is needful to gather the harvest, and to compare the yield with that which is to be found in general literature.

At one time it was hoped that several persons of great ability and high character, who had amassed much recorded information and had lived long in New Zealand, would combine the results and give them to the world. But that hope has vanished. I learned from one of them, who went to New Zealand in 1839, and lives there now, that on the occasion of a visit to Europe he abandoned the idea of publication, and destroyed his manuscripts. The failure of that project, and encouragement from those concerned in it, embolden me to present the following narrative compiled with a diligent endeavour to test every statement by reference to the most authentic sources of information.

No one who has explored historical regions will dare to say that he has avoided error in his own writings. It is enough if he can conscientiously affirm that he has spared no pains to avoid it. No man can presume to say that he has produced a work which ought to satisfy the critical judgment of others, or even of himself. But life is all too short to enable him to do either one or the other. All that he can do is to collect materials with care, to compare them with a strict desire to garner the truth, and to publish

it without flinching on any grounds of fear, favour, or affection.

It is nearly half a century since I first saw, in the house of Samuel Marsden, some of his Maori friends. Since that time I have chiefly resided in colonies not far from New Zealand, and have not willingly lost opportunities of becoming acquainted with passing events. In my researches I have been aided by many friends, and many public men. It is a grief to me that some of them have passed away, and will not see the pages enriched through their kindness; but I rejoice that their good wishes accompanied me in the labour which, as it was pursued, became more and more an imperious duty.

*London, 21st November, 1882.*

# NEW ZEALAND.

## CHAPTER I.

### THE MAORIS.

ETHNOLOGISTS and speculators have disputed as to the manner in which the Maori race found a way to the country which a Dutch voyager called New Zealand, but which ought to be called Maoria.<sup>1</sup>

There is, however, no reason for distrusting the traditions of the Maoris.

There may be an admixture of fable coined by Eastern imagination, but there is internal evidence sufficient to confirm the story in the main.

From the day when Cook's Tahitian companion, Tupia, freely conversed with, and was thoroughly understood by the Maoris a hundred years ago, it could not be doubted that the Maori race was a branch of the family which had spread itself throughout the Isles of the Pacific, and was found in prosperous but warlike communities at the Sandwich Islands twenty degrees north, at New Zealand more than forty degrees south, of the equator, and at Easter Island, five thousand miles from New Zealand, and only half that distance from South America.

Natives of many of these islands have visited New Zealand during the last forty years, and, like Tupia, have found their own language spoken by the Maoris—slight terminal differences, or interchange of one letter for another, having failed to present serious difficulty.

The tradition of the Maoris was that they migrated to New

<sup>1</sup> We have taken the substance, and might accord the name of the Maoris to their land.

Zealand in large canoes of which they religiously preserved the names.

They add that a previous explorer, a chief named Ngahue, fleeing from civil war at Hawaiki, had discovered New Zealand and returned with the precious Pounamu or green-stone, found in the Middle Island, which was then named Te Wai Pounamu.

There was internecine war at Hawaiki when Ngahue returned thither, and on the death of a great warrior his sons carved enormous canoes with axes made of the Pounamu so auspiciously brought; one of the canoes being called Arawa, and arriving first.

Such was the Arawa tradition, and on the east coast a large tribe still proudly bears the name of Arawa. In memory of it,<sup>1</sup> at this day, on the tribal meeting-house at Rotorua is carved the name of the great ancestor who led the immigration—Tama te Kapua.

Other tribes arrogated for other canoes the honour of having first reached the promised land, the guiding star to which was the Southern Cross, called in Maori language Star of the South. Amongst the most celebrated canoes were the Aotea, Tainui, Kuruhaupo, Takitumu, Tokomaru, and Matatua.

The calabash, the kumera, the taro, and the yam, were carried in the fleet. The karāka,<sup>2</sup> or New Zealand laurel, was also imported, as well as the dog, and the kiore, or small rat, which formed an article of food until the Norway rat (introduced by Europeans) destroyed the southern creature, and was ominous of human destruction in like manner.

The canoes were of larger kind than those afterwards used in New Zealand, and the veneration of the Maoris imputed greater strength and skill to their ancestors than has belonged to posterity.

<sup>1</sup> Amongst the accounts given of the Maori fleet differences will be found in learned works. Variance between tribal traditions accounts for many differences. One copious narrative was published by the Rev. Richard Taylor, in 'Te Ika a Maui, or New Zealand and its Inhabitants.' He was a missionary of the Church of England for more than thirty years in New Zealand, and published several works. In 1870 a second edition of 'Te Ika a Maui' was published (730 pp.), and represented the accumulated experience of years of observation and comparison.

<sup>2</sup> *Corynocarpus laevigatus*. The fleshy fruit was used by the Maoris.

The great distance between the Sandwich Islands and New Zealand has caused many persons to endeavour to find some other island as the original hive of the Maori.<sup>1</sup> Savaii, at the Navigator group, has been chosen by some, but without any favouring tradition.

It was my fortune to hear a Rarotonga chief and a Sandwich Islander discuss these traditions with Maori chiefs on the banks of the Waipa in the Waikato district, in 1879.

Explanation followed fast upon question, and it was interesting to compare the Sandwich Island tradition with the Maori. A general concordance might have arisen from vague and floating rumour. But the Europeans present were surprised when it was found that the Sandwich Island story agreed with that of the Maoris, not only as to the migration, but as to the names of the canoes in which the voyage was undertaken.

Of all but one canoe mentioned by the Maoris the Hawaiian knew the names; and his ignorance of that one tended to confirm the general truth of the separate traditions by proving that one was no servile copy of the other.<sup>2</sup>

<sup>1</sup> Recently a traveller who had previously deemed the distance of the Sandwich Islands from New Zealand impassable by canoes, saw reason to qualify his doubts. He found that the Maori fleet might have a fair wind throughout.

Mr. J. C. Crawford, after forty years' acquaintance with New Zealand, sailed thence to the Sandwich Islands in April, 1879. He encountered "a head wind all the way from Auckland to Honolulu—a noticeable fact in connection with the migration of the Maori race and the peopling of New Zealand by it. . . Such a voyage now seems to me possible, although it still looks highly improbable. . . This theory of migration will, however, in no way explain how the Maori race arrived at Hawaii or Hawaiki, which is a far more difficult problem" (p. 377).—'Recollections of Travel in New Zealand and Australia,' J. C. Crawford. London, 1880.

It perhaps deserves notice that one of the principal islands of the Hawaiian group is Maui, that Maui is the demigod of Maori mythology, and that the Northern Island of New Zealand is called Te Ika o Maui, the fish of Maui, because he drew it up from the depths of the sea.

<sup>2</sup> A Maori chief earnestly dissuaded me from crediting the Hawaiian tradition in one particular. The Maori belief was that civil war and the fame of the Pounamu caused the emigration. The Hawaiian declared that in the civil war one party was hopelessly surrounded and doomed to die, when an old chief said, "Let us not kill them. Are they not our brothers? Let us rather mark out trees from which canoes may be made to carry them elsewhere." His eloquence prevailed, and when the canoes were

The canoes were parted on the voyage, and arrived at different times and places in New Zealand.

The tradition in Rarotonga is precise. The ancestors of the people came from Avaiki.<sup>1</sup>

Ingenious speculators have found in verbal similarities and in phrases, proof that the Maori has close affinity with the Chinese, with Hindoos, and with the Japanese. Such arguments may strengthen a belief in the descent of all existing men from one family, but except upon the supposition of several migrations do not elucidate the problem as to the abode of the Maori before he floated southwards.

It is true that he took with him images which strangely resemble the sitting idols of the East. A red porphyritic image about a foot high, and of great specific gravity, reported to have been carried by the Arawa canoe, was presented by Arawa chiefs to Sir George Grey, and has been seen by thousands amongst the antiquities treasured at the island of Kawau.<sup>2</sup>

about to depart he implored the exiles to live in peace in the land they were seeking. They would prosper if they tilled the earth, they would be miserable if they followed the deeds of Tu, the god of war. . . The Maori in 1879 declared that the Hawaiian was right in all that he said except as to the overcoming of Maori ancestors at Hawaiki. They were, he said, unconquerable, and greater than any men in these degenerate days.

<sup>1</sup> The island is called Hawaii by its natives—Hawaiki by the Maoris,—Avaiki by the Rarotongans,—Havaiki at the Marquesas,—Havaii at Tahiti—and Savaii at Samoa.

The slight literal changes which the language has undergone (where *l* is used in Hawaii the Maori uses the letter *r*) do not impede conversation after the lapse of many centuries. There are slight differences in pronunciation even in the Northern Island of New Zealand.

<sup>2</sup> The stone buildings and gigantic sculptures found at Easter Island are conveniently ascribed by speculators to an extinct race. But the carved images carried by the Maoris in their migration prove that whencesoever they came they were acquainted with sculpture and venerated its productions. It is the fond idea of so many that a society of man cannot retrograde in arts, that they would annihilate races of mankind rather than forego a theory. It must be admitted that the Easter Island problem is crucial. A statue carried thence to the British Museum is eight feet high and weighs four tons. In the island some statues were between thirty and forty feet high. Cyclopean stone platforms on various headlands presented an array of the vast images for each of which a rock-carved crown had been made of different material from that of the body. The gaze of the images is said to have been always upward.

Protruding from the hideous mouth is the tongue,<sup>1</sup> as in the wooden carvings at Maori buildings and fortifications, and it may be that the sculpture is but a remnant of the religious observances of some other land.

Moreover, the savage acts of the sect which worshipped Siva and the ferocious Kali were emulated in New Zealand, and the carvings of the Maoris might be adduced to show that the Lingamhari of Hindostan had taught the sea-rovers of the Pacific those obscene rites which defiled the Dionysiac festivals in Greece,<sup>2</sup> and which two thousand years ago were suppressed in Rome with a vigour and a care which demonstrated the conviction of the Senate that the corruption was widespread and the danger terrible.

Some writers have imagined that the Maori migrated from North America. Whencesoever he sprung he belonged to a sea-roving band, which conquered island after island from the darker races found in possession, and eventually fitted out the expedition which seized New Zealand.

However dimmed by time in some respects, or encrusted with mythological additions, there is little doubt that the mental grasp and fond veneration of the race enabled them to preserve their folk lore with wonderful accuracy.

In one volume<sup>3</sup> Sir George Grey gathered five hundred pages of their songs and story, and it was the glory of a chief to adorn his speech with gems from song and proverb. The Maori Lares were carved upon the inner posts of their tribal houses. The tribes, like the Heraclidæ, gloried in the heroic name from which they derived their own.

<sup>1</sup> If one fact could confirm a theory, the contortions of the Maori war-dance might be held to prove a Maori migration from India. Mr. Bidwell in 1839 saw a handsome woman so transform her features as to become "very much like some of the most forbidding of the Hindoo idols."—'Rambles in New Zealand,' by John Carne Bidwell. London, 1841.

<sup>2</sup> The *ῥμοφάγια* of Greece may be remembered not as palliating Maori cannibalism, but as a sad instance of the atrocities to which human flesh is prone.

<sup>3</sup> 'Ko Nga Motuatea, Me Nga Hakirara o nga Maori,' by Sir George Grey. New Zealand, 1853.

In another volume, 'Polynesian Mythology and Ancient Traditional History of the New Zealand Race' (London, John Murray, 1855), Sir George Grey published in the English language much Maori tradition.

The love of ancestors was cherished with a fervour amounting to religion ; and to doubt that the Maori, like the Druid, could retain from generation to generation the main facts is to show more credulity in one's own fancy than in evidence.

The genealogical wands, representing each ancestor from the date of the Maori landing, and comparison of the genealogy recorded in one part of New Zealand with that preserved in another with which there had been intermarriages in the past, have shown in English courts the trustworthiness of Maori records.

A brief summary of the districts in which the various leading tribes settled, and of the positions which they occupied when Captain Cook saw them in 1769, may here be given.

The Arawa canoe left a few persons at Maunganui (the projecting steep cone which stands like a sentinel seaward of Tauranga), and the remainder proceeded to Maketu, claiming all the land within sight.

Tradition declares that their hero's stature was nine feet.

Their territory included the coast at Maketu and the lake district of Tarawera and Rotomahana.

The luxurious warm baths provided by nature did not soften the savageness of the Maori heart. The feuds of the Arawa tribe were as ferocious as those of others, but fortunately for the colonists it has ever prided itself on loyalty to the Queen.

It arrogated superior importance on account of having carried to New Zealand not only the stone image which was obtained by Sir George Grey from the chiefs in recent years, but a larger one jealously treasured in the island of Mokoia in Lake Rotorua.

Other tribes contended for the honour of having carried with them the fruits of the earth with which to replenish their new home, but the massive carved idols were the precious freight of the Arawa canoe. They appear to have been venerated rather than worshipped. Though all Maoris treasured the green-stone "heitiki," they could not be charged with adoring those quaint resemblances to images. I have been assured by one whose experience coursed over more than forty years,<sup>1</sup> that the only tribe in which he remarked an approach to idol-worship in New Zealand was the Ngatiruanui.

<sup>1</sup> Bishop of Wellington, Dr. Hadfield.



The voyage of the Tainui was notable from the fact that after landing a few persons at the East Cape and at Katikati, the leader, Hoturoa, entered the Hauraki Gulf, and at the head of the Tamaki, having observed sea-birds flying from the west, conjectured that he was near a narrow isthmus.

The fact being ascertained the canoe was dragged overland from Tamaki to the head of the Manukau harbour, and a final landing being made at Kawhia the voyagers became the parents of the tribes which, as Waikato, Ngatimaniapoto, Ngatiraukawa, Ngatitoa, and others, occupied the Waikato territory, with rights upon the west coast.

The volcanic hills near Auckland, whose terraces and excavations tell of the labour of centuries, were peopled by men of the Tainui. At the earliest date probed by English researches (early in the 18th century), the occupants of that coveted and much-suffering isthmus were known as Nga Iwi, or "the tribes."

The Tokomaru<sup>1</sup> bore the progenitors of the great Ngatiawa tribe, commanded by Manaia, who, after a dispute with the rovers of another canoe at Aotea, passed to Mokau, and was not induced to settle until he reached the rich lands of the Waitara, where he found and slew "the original occupants of the country."

The Aotea carried her people, under the guidance of Turi, to the harbour which bears her name on the west coast. Proceeding southwards he gave names to Waitara, Oakura, and other places, and planted seeds of the karāka (laurel) on his way. He founded a colony at Patea, and his people were the ancestors of the tribes of Wanganui.

The great Ngapuhi tribe has a tradition of its own, and scorns the assertion of the Arawa people that the Ngapuhi progenitors were carried in the prow, "Puhi," (or adorned with feathers) of the Arawa canoe and were thence named.

The Ngapuhi declare that their forefathers, under Nukuta-whiti, immigrated in a canoe named Mamari, which followed another voyager, a chief named Kupe; and that the men of the Mamari learning from him that he had circumnavigated the North Island settled at Hokianga, which Kupe had named.

<sup>1</sup> One tradition tells that the Tokomaru like the Tainui was dragged across the isthmus between Tamaki and Manukau..

They point with reverence to a massive stone which Nukutawhiti placed near Tarawaua at Hokianga. Long after the English were established in the neighbourhood every passing Maori laid on the stone a branch of Raurekau<sup>1</sup> and uttered an incantation.

The Matatua landed her voyagers at Whakatane. The Kuruhaupo brought others to Poverty Bay. One tradition averred that the Takitumu, commanded by Tata, carried the first immigrants to the Middle Island, with the evil reputation of having seen lots cast and bodies devoured when hunger raged among the crew.

There were vague rumours that aborigines were found and destroyed by the Maoris in both islands. If some were spared and enslaved their features may be partially preserved among the varieties of physiognomy found in the islands.

The Waitaha, a portion of the first canoe-immigration, are reputed to have held possession of the Middle Island until overborne by a wave of conquest in the 16th century, when the destroying Ngatimamoe intruded from the North Island, to be themselves similarly swept away in the 17th century by the Ngai Tahu, who again were harassed by raids from the Northern Island, and were finally decimated by the conqueror Rauparaha within the memory of English visitors.

The varying or conflicting traditions treasured in each tribe make it impossible to assert confidently that any of them is true in all particulars. But there is sufficient general agreement to enable the antiquarian to rely upon the main thread of the story.

The date of the Maori occupation or conquest can only be conjectured. It can be computed only by guessing the length of life of each Maori ancestor.

Genealogies were graven on a staff. The name of each ancestor was recalled by serrated projections, and the Maori recited the roll from father to son with the fervency of a devotee and the pride of an Englishman who now holds lands held by his forefathers in the days of the Saxons.

There was no failure of memory on such a point, and careful inquiry has established, approximately, the fact that as early as

<sup>1</sup> A species of *coprosma*.

the 14th century the Arawa and her sister canoes carried the Maoris to their new homes.

All were not chiefs of high degree, but no indolence was allowed to mar the pedigree of the highest families.

The roll-call of the genealogical tree was strengthened by the records of song and chaunt.

This proud race in its native state was found defiant, blood-thirsty, and cannibal. Yet it was good-humoured and honourable. There was much variety in physiognomy as well as in colour. Aquiline noses were not uncommon, and even a Grecian type of face was sometimes seen. Often the nose was broad and flat. The men were generally tall, the women not so. The lower part of the women's faces was massive, and expressed determination. Dark-haired and brown-skinned though in some cases not duskier than many Spaniards, muscular in body, with well-formed intelligent heads, the Maoris were manly in bearing; fluent and vigorous in speech.

Dark oracular sayings, poetic imagery and allegories, proverbs which required an interpreter to apply them, coloured the language of an orator. Its meaning was sought like that of the Delphian oracle—by careful study.

The deadliest foe of the Maoris could not scorn them. Their dignity, chivalry, eloquence, and capacity, their intuitive talent for war and skill in fortification forced themselves upon the recognition of the world; and the colonists, who have eaten their way into the territory, paid a moral tribute to the dispossessed when they placed them in the halls of the Legislature.

Mr. Swainson declares<sup>1</sup>—"The gentleman is struck by their natural good breeding and quiet gentlemanly demeanour; the coarse and vulgar-minded who trade with and live familiarly amongst them, describe them as ungrateful, avaricious, and disobliging; the soldier who has met them in the field always speaks of them with respect; the good-humoured and light-hearted are pleased with their ready appreciation of a joke; and the political agent rarely boasts his superiority over them in diplomatic skill. Each observer seems to see himself reflected in their character. . . . They are themselves quick observers, and have the tact to take for the moment the tone of those

<sup>1</sup> 'New Zealand and its Colonization.' Swainson. London, 1859.

with whom they are brought into contact; . . . . in intellectual quickness they are by no means inferior to ourselves."

Such is the testimony of an accomplished eye-witness who lived long years amongst them, and held office as Attorney-General in the early days of English colonization.

Another writer (W. Colenso, F.L.S.) declared, after long study,<sup>1</sup> that the intellectual and moral faculties of the race were of a high order, their subtlety great, their memory good, their fidelity, conscientiousness, hospitality and courage remarkable. Their undying revengefulness, their thirst for the blood of an enemy, and a total want of gratitude, darkened in his eyes the aspect of the national character; but their courtesy extorted his admiration until under European influences they became ruder in demeanour. "Sometimes," he wrote, "when a besieging party knew of their enemies wanting food, or stones, or spears, they sent them a supply, laying them down in heaps near their defences, and then retiring."

Continually at war with one another they selected promontories or isolated hills for fortified abodes; and with wooden implements made embankments, ditches, and terraces, the magnitude of which astonished all observers. They were eminently an agricultural people. As one plot of ground was exhausted, the tillers passed on to another, as was the habit of the ancient Germans. They never used manure. They passed from plot to plot as they deemed that fresh ground was required.

Captain Cook observed that as to the disposition of filth they were more advanced than some European countries; but though kept from sight it was not used to fertilize their fields, and when the early missionaries began to manure their gardens the Maoris were shocked at the uncleanness.<sup>2</sup>

The Kūmārā, or sweet potato, and the taro (*caladium esculentum*), were cultivated with care and neatness, which was, in the opinion of Sir Joseph Banks (1769), unsurpassed in the best English garden. The hūē (gourd) provided convenient vessels.

<sup>1</sup> 'On the Maori Races of New Zealand.' Transactions of the New Zealand Institute, vol. i.

<sup>2</sup> W. Colenso on the 'Vegetable Food of the Ancient New Zealanders,' New Zealand Institute Proceedings, vol. xiii. 1880.

The men also dug up fern-root (*Pteris esculenta*) at special seasons and stored it, under the name of Arühě, for food. They fished, they made eel-weirs, they made stone hatchets useful not only in war but in cutting down timber. They carved canoes and built houses. They ground the green-stone with much labour into ornaments, into weapons, carpenter's tools, and images. The grinding and polishing of this hard material was accomplished by friction with flint and wet sand. The perfection of a green-stone měřě was the labour of years, and carried with it the admiration of a tribe.<sup>1</sup> The manufacture of wooden agricultural implements, spears, fish-hooks, the preparation of dyes for mats, the carving of boxes, the adorning of the principal whārě, or house, at which the tribe assembled for (korero, or) discussion, occupied the time not needed for the great work of hewing timber, carving war-canoes, and preparing weapons of war. As the war-canoes moved the chief or other appointed warrior chanted songs with which the oarsmen kept time. Each song had its appropriate time. Cook noticed that more than one hundred paddles struck the sides of a canoe so accurately as "to produce but a single sound at the divisions of the music."

While the men had these duties to perform, for the women was reserved the preparation of food, and the weaving of the baskets in which they cooked it. Such baskets in ancient days were never used a second time to contain food.

The women prepared flax (*Phormium tenax*), and made it into clothing; they procured shell-fish and firewood, and weeded the cultivation grounds. On them fell the heavy task of carrying on their backs every year the fresh gravel required for the kumara, or sweet potato fields. They also gathered fruit and expressed the juice of the Tutu (*Coriaria ruscifolia*) for drinking.

<sup>1</sup> The "green-stone měřě," about fourteen inches long, was shaped like the blade of an oar.

The "heitiki" or image was of various sizes. The largest were several inches long, and massive. The perforation and polishing entailed immense labour. The heitiki was suspended upon the breast. The art of perforating the pounamu or jade was notable in the Maoris. Sir John Lubbock ('Prehistoric Times') remarks: "The smiths of the Bronze Age seem to have been unable to pierce bronze, and the holes for rivets are cast and not pierced." Yet the Maoris (classed with the Stone Age) drilled holes through one of the hardest of substances.

The ample supply of fish, cray-fish, and shell-fish, made amends for the paucity of animals on land. Numerous varieties of wild-duck and the mutton-bird (*Titi* or *Pelecanoides urinatrix*) furnished food in season. The great rail, the weka (*Rallus Australis*), was as large as an ordinary domestic fowl. Quails, and pigeons, and other birds, if not abundant, furnished variety of diet.

The remains of the Pipi shells, strewn on every old pah in myriads, attest the enormous supply and consumption of cockles in the islands, and the part performed by the Maori women in providing the principal meals, of which there were two—morning and evening—eaten hot, the men sitting apart from the women. A siesta after noon was usual.

The Maori averred with pride that he had imported from Hawaiki the sweet potato, the taro, and the gourd. The latter supplied not only refreshing food in summer, before the kumara was ready for use, but vessels for containing water, oils, or cooked animal food. From the karaka (*corynocarpus*), of which the kernel is poisonous unless prepared with care, the Maoris made a wholesome and pleasant food.

The edible fern provided unfailing support. The root was dug up in spring, cut into pieces, and stacked in dry places so as to admit of ventilation through the stack. When required for use it was steeped in water, sun-dried, and then roasted at the fire.

The cultivation of the kumara, or sweet potato, was almost a solemnity. The men adorned their hair and their wooden spades. The seed-end of the potato was carefully placed towards the east. Songs were chanted to propitiate the god of cultivated food. The tillers washed their hands and held them over a tapu-ed fire before breaking their fast.

The cooking consisted of baking and roasting. Captain Cook observed that the mode of baking was exactly like that adopted at Tahiti. A hole was dug, and a fire kindled in it, stones being placed in alternate layers with wood. The hole having been sufficiently heated, a layer of warm stones was placed at the bottom. Green leaves were laid upon the stones. The flesh to be baked was placed on the leaves. A layer of leaves placed over the food was covered with more hot stones. The whole was covered with a layer of earth, and in three or four

hours the food was well baked. At their hospitable feasts, for which long preparations were made, enormous quantities of food were dispensed. At one given by the first Waharoa, to one friendly tribe, there were twenty thousand dried eels, several tons of sea-fish (principally young sharks), many calabashes of shark oil, albatrosses, and baskets of potatoes, and of sweet potatoes, which the observer was unable to number.

The Maoris had no kind of intoxicating liquor. Their drink was water. The expressed juice of the Tutu was merely refreshing. Cook saw many Maoris of great age, "not a whit behind the young in cheerfulness and vivacity." He remarked their perfect and uninterrupted health.

It has been said by a medical authority that the scrofulous tendencies developed in later generations of Maoris have arisen from the inferior diet introduced by Cook—the sweet potato, the taro, and fern-root being far more nutritious than the common potato which was the gift of Cook and became the principal food of the island.

The Maoris did not use salt; dried fish which had been steeped in the sea supplied them with saline food. Tribes which had no sea-fishing of their own exchanged mats for dried fish with their neighbours.

The pig, though known in Polynesia, had not been carried by the Maoris to New Zealand.

They had no means of boiling water. Their vessels were wooden. To open shell-fish they obtained hot water by putting hot stones into water in their wooden vessels. Yet with their scant appliances, Maoris feasted in thousands.

In the neighbourhood of the hot lakes nature had provided them with an unbought luxury of cooking of which they were boastful.

Labour was divided into classes—male, female, sacred, and common.

Though the chiefs were honoured as of noble blood, they worked hard equally with and amongst their numerous slaves. In labour, as in war, it was the glory of the chief to excel, though the baser kinds of work he did not touch.

Vast posts appeared in the palisade which enclosed the houses of the fortified village. The enormous war-canoe with its hundred



paddles bore witness to the strength and diligence with which by the aid of stone axes and adzes they had been shaped. The adze was a repetition or imitation of that represented in Egyptian sculptures.

The numerous fabrics made from various vegetable fibres attested the inventive faculty of the race, or the high state of art which they carried with them from Hawaiki.

The string-turned drill with which they bored the hard greenstone as deftly as an European lapidary was tipped with quartz.

The wedge (matakahi) enabled them to split blocks of timber. Of the saw they were as ignorant as were the Russians before the days of Peter the Great.

Tradition was precise, and the demands of custom were inexorable. Only the chief (Rangatira) could wear the white-tipped tail-feathers of the Huia (*Neomorphia Gouldii*); and the staff of the chief was adorned with feathers and inlaid eyes of mother-of-pearl.

There were large war-gongs, various kinds of flutes, whistles, and a trumpet, made of wood or of a large conch-shell, which alarmed Tasman in 1642.

Though they had no medium of exchange, they gave and received gifts, and it was a point of honour that the recompense should exceed in value that of which it was a recognition. There was an exchange of commodities, however, and inland tribes gave mats or other articles of value in return for dried fish or shark oil, supplied by friends from the coast.

But for their continual warfare the tribes might have been the happiest of mankind in the luscious but temperate climate of the North Island.

Yet they encumbered life with ceremony. There was rejoicing over birth; there was a function of naming, or removal of tapu from the child; and betrothal often occurred as soon as the child drew breath.

Tattooing ensued at the age of puberty. The whole face of the man was deeply scored with curved lines having some beauty in themselves if not in their position, and the breech and thigh were carved deeply with sinuous lines darkened with dyes. The completed operation occupied years, the lines being deepened at intervals.



The lips of the women needed to be tattooed before they could marry, and perpendicular or curved lines from the mouth to the chin added to an effect more strange than pleasing on a naturally handsome face.

The statuesque appearance of an old chief whose head seemed rigid as the figures in an Egyptian temple, excited more wonder than disgust.

Both sexes wore a short kilt, and a mat was fastened over the shoulder. In war the men discarded everything but their weapons and their belt, which was made of flax. Dog-skin mats were a favourite garment with the chiefs.

Polygamy was encouraged, and divorce was easy. Alliances of the well-born in different tribes were valued because of the influence they created or ensured. At the death of friends there was formal wailing or tangi, which was often repeated if the deceased was of high reputation.

The Maoris gashed themselves like other ancient people of the East in their great lamentations. Mourners came from far to join in the doleful duty.

The body of the deceased was allowed to decay, and another ceremony, the hahunga, or cleaning of the bones, ensued after many months or even after years. Those who scraped the bones were tapu, or sacred, and could only be relieved from their state by the tohunga or priest. The bones when cleaned were carried by a select few and secretly deposited in some cave or rocky cleft in uninvaded recesses. For a stranger to touch them was desecration. An enemy if he could find them would make flutes or fish-hooks of them, and the tribe of the deceased would be horror-struck.

Captain Cook was not allowed to know how the Maoris buried their dead, although he saw them cutting themselves grievously for the loss of a chief. In later times the ceremony was well known to the colonists.

Priests dressed the body and placed it in sitting posture, garlanded with flowers. Albatross feathers adorned the hair. The face was smeared with oil and red ochre. The body was enveloped in a fine mat. The weapons of war he had used were around the body of the chief in the midst of the bones of his ancestry. Birds were sacrificed to the gods. Tribes came

to visit the spot. Long wisps of grass were placed in the hands of the corpse and held by weeping friends.

Laments were sung, of which the following, composed by a Rarawa chief, Papahia, may serve as an example :—

“ Behold the glare of the lightning !  
 It seems to rive Tuwhare’s rugged mountains.  
 From thy hand the weapon has fallen,  
 And thy spirit has departed  
 Beyond the heights of Raukawa.  
 The sun grows dim and hastes away  
 As a woman from the scene of the battle.  
 The ocean-tides weep as they ebb and flow ;  
 The mountains of the South melt away ;—  
 For the spirit of the chief wings its way to Rona.<sup>1</sup>  
 Open the gates of the heavens ;  
 Enter the first heaven, then enter the second,  
 And when thou shalt traverse the realm of spirits  
 And they say unto thee, What meaneth this ?  
 Say that the wings of this world of ours  
 Have been torn from it in the death of the brave,  
 The leader of battle.  
 Atutahi<sup>2</sup> and the stars of the morning  
 Look down from the sky :—  
 The earth reels to and fro,  
 For the great prop of the tribes is laid low.  
 Ah ! my friend, the dews of Hokianga  
 Will penetrate thy body :  
 The waters of the rivers will ebb away,  
 And the land will be desolate.  
 From afar I see the cloud arising  
 Over the head of famed Heke.  
 Let him be extinguished, yea, for ever,  
 Let the heart now sad with grief ne’er think of evil more.”<sup>3</sup>

After a time the body of the departed chief was wrapped in mats and placed in a canoe-shaped box, with the “mere,” and

<sup>1</sup> Who according to Maori tradition was borne “aloft to the moon and stars.”

<sup>2</sup> Canopus.

<sup>3</sup> ‘Maori Mementos,’ C. O. B. Davies. Auckland, 1855. In the same work will be found the following dialogue between the locust and the ant, a song, by an unnamed Maori poet.

TATARAKIHI (*Locust*).

Come hither quickly, oh my friend,  
 And to my urgent call attend ;  
 Thy work, Oh Ant, is wondrous fair,  
 And thy commanders act with care.

raised on a stage, suspended from a tree, or temporarily interred. The lamentation of friends still continued.

After about a year the bones were scraped clean and secretly deposited by priests, with those of ancestors, in caves or recesses in the mountains. Then the "merè" was received by the heir.

But, for a great warrior, hahungas might be repeated for years. The preserved head was brought from its hiding-place to grace the ceremony, and fervid orations commemorated the virtues of the dead, and aroused the emulation of the living.

The tohunga or priest was not the only or principal priest. The Ariki, the head of the tribe, the first-born male or female by the eldest branch, was the chief priest of the people. As the representative of the great progenitor, from whom the tribe was named, he or she was entitled to and received respect amounting to homage. Yet, as amongst the ancient Germans, incapacity might cause a transfer of the active duties of a chief to some one worthier than the heir of the great name, though in matters affecting the whole tribe the blood right was never forgotten.

The offspring of intermarriage of important chiefs or chieftainesses might become of higher blood than the father, and the child or heir of the name was honoured accordingly.

But the "mana," or prevailing influence of the well-born, might be tarnished by unworthiness, and the low-born but daring and sagacious counsellor and warrior in troublous times

#### POKORUA (*Ant*).

Come hither thou, and dig the ground  
And raise with me a spacious mound,  
Where we may house us from the rain  
Of heaven, and hide our stores of grain  
For food, when each successive blast  
Of winter's dreary night sweeps past.

#### LOCUST.

But is not this my sole delight,  
To bask in sunbeams, warm and bright?  
To rustle with my wings and cling  
To some high branch and gaily sing?

rose to commanding power. The incessant warfare of the tribes made such a transfer probable, and it often came to pass.

Chiefs wore the insignia of their position. Only they could wear the huia feathers and the white plume of the crane. They wore the heitiki or green-stone image on their breasts. They kept the green-stone merè, the cherished heirloom of the tribe.

Even the slave, the *αἰχμάλωτος*, spared by his captors, might by prowess obtain position amongst them, and such instances have been known. Though slavery was a reproach, it was a lot which all who went to war might encounter, and if a captive was spared after a great battle he might and often did live in comfort among his conquerors.

The land was the domain of the people, and though by separate cultivation a man had a right to the product, he acquired no fee-simple of the land. Over the whole domain the tribe hunted, and as the kiore or native rat was snared in distant places the boundaries of each territory were well-known, and, if necessary, defined by marks.

Alienation to a foreigner could not be the act of the separate occupier. Only common consent could alienate the common property.

In the same manner if a hapu, or sub-tribe, of a neighbouring clan was invited to settle on the lands of a tribe, the new-comers, under the general tribal sanction, acquired such rights as any occupier of the inviting tribe could have possessed. Inheritance was from father to son.<sup>1</sup>

Treasure-trove belonged to the finder in ordinary cases, but certain royal fish or a white crane fell to the ariki, or head of the tribe.

Captain Cook found much to admire in the Maori canoes, which would carry from forty to one hundred armed men. The superior specimens were "magnificently adorned with open work, and covered with loose fringes of black feathers, which had a most elegant appearance." At the bow, as in Chinese junks, eyes were invariably provided. A figure-head, with

<sup>1</sup> Mr. Colenso, F.L.S., states this broadly (vol. i. 'Transactions of New Zealand Institute') in an elaborate paper on the Maori race, and it may be accepted as a maxim, subject to such qualifications as are elsewhere mentioned.

tongue thrust out, and white shells in the place of eyes, was at the prow; at the stern, a carved ornament rose about fourteen feet. The gun-wale boards were also carved. The designs were chiefly lines curved and crossed with great elegance.

The men were good oarsmen. The sails were made of mat, but their chief use was in sailing before the wind.

Sea-fights were not common. When they took place the object on each side was to overturn the enemy's canoe and brain the crew struggling in the water.

Cook was informed that the implements with which the carving was done were stone. Green-stone was the most useful as well as the most revered material. Nothing that Cook could offer induced a Maori to part with his green-stone axe.

The "whare," or ordinary house of the Maori, was, in Cook's opinion, a wretched abode. The frame was of wood and the roof of thatch. The entrance admitted a man on his knees. Dried grass was strewn over the floor. The height of the ridge-pole of the roof was usually five or six feet. There was a fire-place, and a hole near it let out some of the smoke and was the only window.

Cook may not have seen a whārē-pūnī, or great house, dedicated to the ancestor of the tribe. Its proportions were much larger than those he described.

One which was built in 1878 at the mouth of the Thames by the chief Taiperi of the Ngatimaru tribe, was nearly seventy feet in length and thirty in breadth. There was a large porch in front about twelve feet in depth, extending to the width of the building. An elaborately-carved door admitted visitors from the porch to the main building. On the pediment, high above the door, was carved the name of the progenitor of the Ngatimaru, Hotonui. Other ancestors were carved in grotesque forms on the massive posts of the interior walls, which were more than seven feet high, while the steep roof rose with Gothic pitch.

The ordinary whare, or abode, which Cook saw, was often a damp den in which the inmates were crowded in unwholesome manner. There was no partition. Men, women, and children slept on the rush-strewn and sometimes damp earth, and inhaled

the heated and injurious air, relieved by no ventilation. Even under such deadly conditions the race was healthy and long-lived, although consumption marked its prey amongst the less hardy. Skin-diseases, as might have been expected, were not uncommon.

The Hakari was a great festival which accompanied the making of peace or conference about great affairs, or was in return for a previous feast. Crops were obtained from land planted for the occasion, and after the great dances the ruler of the feast divided to each tribe its portion.

Six thousand guests have been seen by Europeans at a Hakari. It was a point of honour that a feast given in return should be more profuse than its precursor. The Maori poured forth all that he had. The assembly was like a joyous fair. Presents were exchanged, bargains made, and all the popular pastimes of Maoris made their Isthmian games a round of pleasure.

Their musical instruments were wooden or shell trumpets and flutes. Dancing, singing, wrestling, spear-throwing, contests with long sticks, and great orations, furnished memories of a happy Hakari.

The national songs and chants have, fortunately, been preserved by Sir George Grey, and it is sufficient here to say that they are full of imagery, Oriental in colouring, and oracular in expression.

The assembly of a tribe was called a Runanga, and great orations were made at it. The conference itself was called a kórero. An orator who could touch the strings which roused the veneration of the race for their ancestors or their traditions could work a Maori audience to frenzy.

They were fond of games. They had whipping-tops, and kites which hovered in the shape of birds. They had a game with ball, and played maui, or intricate cat's cradle, with dexterity. The young men practised athletic exercises by wrestling, running, leaping, swimming, and in contests with the spear. The dance, in which the performers bounded as one man in admirable time, wielding their weapons as if one muscle moved every spear or gun, excited them to seeming fury. The savage distortion of face, and the grating, quivering sound like

the roar of wild beasts which issued from the mouths of all, as if from one, terrified many beholders.

Grossness of speech, which would have been intolerable amongst the unrefined Europeans of the 15th century, did not offend the Maori taste, and some of the indecencies of Bacchic orgies might seem to have been conveyed by the Maori Vikings across the Pacific from Hindostan, where they existed under another name.

The Maoris reckoned time by lunar months, of which they had thirteen. May was their first month, and was marked by the appearance of the star Puanga (Rigel) in the morning. The flowering of certain trees distinguished various months, the rising of stars accompanied others.

March was the period in which the kumara crop ripened, and April was the season for digging it up. Errors arising from the lunar calculation were sufficiently remedied for Maori uses by the rising of stars and the flowering of plants. They continually rectified their calendar instead of allowing it to run into such disorder as compelled Julius Cæsar to change the style when he had to intercalate two long months to reform it. Nights, not days, were the units into which the month was divided, each having a distinct name.

Marriage was attended with no solemnities. Polygamy was practised, and divorce could be obtained by turning a wife out of doors. If a man wished to marry a woman of different tribe the consent of his own tribe was required as well as that of hers. The wife was treated well if faithful (as was the rule), but might be killed for infidelity. The unmarried girl was allowed liberty unknown to the married. Captain Cook noticed that friends of a girl would consent to her accepting a lover, but that all intercourse before the world was to be scrupulously delicate, and the lover who disregarded the Maori custom was rigorously repelled. As in some of the Polynesian Islands, visitors were as a mark of great politeness and respect provided with a partner at night. It was a custom unforbidden and even encouraged by the moral law of the land, but under the restriction already mentioned.

Children of importance were named by a priest, with a formal rite, in which he sang an incantation praying for heroism and strength for a boy, and industry for a girl. The boy was

dedicated with a chant to the god of war, which imprecated for him all the virtues of a ruler, a workman, and a warrior.

The salutation of Maoris was the hongi, or rubbing of their noses together; and ceremony required a (tangi or) wail on meeting of long-parted friends, or on arrival at any place where friends had died since the last visit.

Dignity was the characteristic bearing of a chief, and there were many Europeans whose admiration of the Maori was unbounded. There were others who commenced their acquaintance with respect, and were repelled into aversion by the uncleanness of their savage friends. Yet persons of all classes were found who took up a permanent abode with them long before the English set up any form of government in the islands. Such denizens became the clients of a Rangatira or chief, and were called Pākēhā<sup>1</sup> Maoris. A Pakeha of good birth was admittedly a Rangatira Pakeha, but he came under the "mana," or authority of his Maori patron.

Patron and client acknowledged reciprocal duties. Profit was supposed to accrue to the first from the bargains he made through his Pakeha with traders. The client, on the other hand, submitting to friendly extortions from his Rangatira, was protected from ill-usage by others.

These singular relations have been described by one who entered into them (Mr. F. E. Maning), and carried to his client-sphere, strength and audacity, which would have made him the idol of gladiators; intelligence and humour, which rank him amongst the raciest of English narrators.

His experiences were published under the title of 'Old New Zealand, by a Pakeha Maori,' and it may safely be affirmed that, allowing for passages written for effect, no New Zealand story which is at variance with the spirit of Mr. Maning's book can be trusted, though the lights and shades of his picture show contrasts which, as in other countries, leave room for large and varied disquisitions.

Long after English rule had been established in New Zealand the Colonial Government succeeded in persuading Mr. Maning to accept the office of Judge in a Native Land Court where his knowledge of Maori laws and usages was of the utmost service,

<sup>1</sup> Pakeha meant "foreign."



while his reputation amongst his Maori friends secured respect for his decisions.

It may be well to cite his interpretation of a Maori word, on which turned, in the opinion of some persons, the war of 1860 between the colonists and the Maoris, and the greater war which was its consequence.

“‘Mana’ has several different meanings, and the difference between these diverse meanings is sometimes very great, and sometimes only a mere shade of meaning, though one very necessary to observe; and it is therefore quite impossible to find any one single word in English, or in any other language that I have any acquaintance with, which will give the meaning of ‘mana.’ And, moreover, though I myself do know all the meanings and different shades of meaning properly belonging to the word, I find a great difficulty in explaining them. . . .

*Virtus*, prestige, authority, good fortune, influence, sanctity, luck, are all words which, under certain conditions, give something near the meaning of mana, though not one of them gives it exactly. . . . Mana sometimes means more than a natural virtue or power attaching to some person or thing, different from and independent of the ordinary natural conditions of either, and capable of either increase or diminution, both from known and unknown causes. The mana of a priest or tohunga is proved by the truth of his predictions as well as the success of his incantations, which same incantations performed by another person of inferior mana would have no effect. When most of a doctor’s patients recovered his mana was supposed to be in full feather. . . . Mana, in another sense, is the accompaniment of power, but not the power itself; nor is it even in this sense exactly ‘authority,’ according to the strict meaning of the word, though it comes very near it.

“This is the chief’s mana. Let him lose the power and the mana is gone; but mind you don’t translate mana as power; that won’t do; they are two different things entirely. Of this nature also is the mana of a tribe, but this is not considered to be the supernatural kind of mana.

“Then comes the mana of a warrior; . . . before leaving him some supernaturally ominous occurrence might be expected to take place, such as are said to have taken place before the

deaths of Julius Cæsar, Mark Antony, or Brutus. Let not any one smile at my, even in the most distant way, comparing the old Maori warriors with these illustrious Romans, for if they do I shall answer that some of the old Maori *Toa* were thought as much of in their world as any Greek or Roman of old was in his; and, moreover, that it is my private opinion that if the best of them could only have met my friend, Lizard Skin, in his best days, and would take off his armour and fight fair, that the aforesaid Lizard Skin would have tickled him to his heart's content with the point of his spear.<sup>1</sup> . . . A spear, a club, or a

<sup>1</sup> Lizard Skin was Mr. Maning's Rangatira. He had borne a part in killing and eating the Frenchmen killed with Marion du Fresne in 1772. He was not the head of his tribe, but nobly connected. "He was," says his Pakeha, "a model of a Rangatira. He was a little man with a high massive head, and remarkably high square forehead, on which the tattooer had exhausted his art. Though of great age he was still nimble and active. He had evidently been one of those tough active men, who though small in stature are a match for any one. There was in my old friend's eyes a sort of dull, fiery appearance, which when anything excited him, or when he recounted some of those numerous battles, onslaughts, massacres or stormings, in which all the active part of his life had been spent, actually seemed to blaze up and give forth real fire. His breast was covered with spear-wounds, and he also had two very severe spear-wounds in his head, but he boasted that no single man had ever been able to touch him with the point of a spear. It was in grand *mêlées* where he would have sometimes six or eight antagonists that he had received these wounds. He was a great general, and I have heard him criticize closely the order and conduct of every battle of consequence which had been fought for fifty years before my arrival in the country. . . . Before the introduction of the musket the art of war had been brought to great perfection, and when large numbers were engaged in a pitched battle the order of battle resembled in a most striking manner some of the most approved orders of battle of the ancients . . . My old friend had a great hatred of the musket. He said that in battles fought with the musket there were never so many men killed as when in his young days men fought hand to hand with the spear; when a good warrior would kill six, or eight, ten, or even twenty men in a single fight." The old man thus celebrated by Mr. Maning had accidentally killed his own father. Returning from a successful war foray he saw the smoke of fires on the coast. He landed at night to attack the supposed enemy;—surprised the camp, killed the first man himself, and found it was his father. Blows ceased, wordy recriminations ensued as to whether the fault was with the assailants or assailed, for indolence or carelessness:—a tangi or lamentation was indulged in by all, a prisoner was slain and eaten, and Lizard Skin's father's body was carried home with due respect. The killing was considered clever, the parricide thought merely unlucky. Mr. Maning saw

mērē may have a mana, which, in most cases, means that it is a lucky weapon; but some weapons of the old times had a stronger mana than this, like the mana of the enchanted weapons we read of in old romances or fairy tales. Let any one who likes give an English word for this kind of mana; I have done with it. . . . If the reader has not some faint notion of mana by this time I can't help it. I can't do any better for him. I must confess I have not pleased myself."

How many ideas clustered around the word in the mind of a Maori could be guessed only by those who had lived amongst the people.

It will be seen hereafter that a colonial minister, a prime mover in the great war of 1860, spoke scornfully of the word "mana," declaring in the General Assembly that he neither knew nor wanted to know anything about it.

The Tapu of New Zealand, like the Taboo of the islands of the Pacific, was a mysterious power which Europeans were continually offending ignorantly if not maliciously. It held universal sway over all Maoris. A superstitious awe compelled obedience. Though the Ariki, the chief priest or *pontifex maximus*, could impose it upon any object, he was himself bound to submit to it. In each chief resided a kind of sacredness; the head and back being its principal depositories. If he desired to preserve any land or other object from intrusion he called it his head or back, and to violate the "tapu" thus conferred was a deadly insult to the chief who had imposed it. War-parties were "tapu"; any property could be subjected to it, for a time or indefinitely, and it could only be removed by religious obedience to prescribed forms. The staff or wand on which genealogies were preserved; the first-fruits of the sweet-potato crop; Maoris engaged in making nets; slaves in attendance on chiefs or priests; fishing expeditions, and numerous objects were held to be "tapu" in a sacred sense. The graves of ancestors were "tapu" in the highest degree. He who touched anything sacred placed himself under a ban. He who, when under the "tapu," entered a house rendered it

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him die. The old man bequeathed his "mere" to his Pakeha, adjured his tribe "to be brave that they might live," said that his two old wives would hang themselves (as they did), and with battle cries ringing from his lips, with eyes actually blazing, passed away, and was secretly buried with his spear and tomahawk beside him.

unfit for others to approach. Mysterious terror surrounded even an unwitting violation of the singular institution.

A chief with a war-party happened to leave a portion of food prepared for his dinner. Slaves and camp-followers came afterwards to the spot, and one strong man, seeing the food, ate it without asking questions. Being told of the atrocity he had committed the man was seized with convulsions and died in a few hours.<sup>1</sup> Yet he was a warrior remarkable for courage, though a slave.

Tapu was thus a mode of preserving property. It preserved the forests, fishing-grounds, and game.

The sick were tapu and isolated accordingly. Enemies of the Maori declared this law selfish. Their friends said that sickness arose from a visitation of an "Atua" or offended spirit, who must be avoided. Tapu thus pervaded every relation in life or death.

The Pakeha Maori himself, Judge Maning, violated it by performing an act of humanity.

Returning with sixty men from an expedition he saw a number of bones on the beach, picked up a human skull and buried it. His companions fled or shrunk from him. He sat apart at night. They placed food near him, which it was his duty to eat without touching it with his hands. They shuddered when in spite of their cries he handled it. They left in dismay, travelled all night, and warned his household, all Maoris, of the accursed plight in which their master would return. The inmates fled. When he reached his home it was desolate. Four days he lived or fumed alone, cooking his own meals and dwelling in his kitchen. Then a "Tohunga," or priest, came in a canoe to charm away the "tapu." Mumbling incantations, he made the culprit eat a baked kumera. All the kitchen utensils were doomed to destruction. The very clothes of the offender were thrown away. At night the household returned to their allegiance; but a new kitchen was built, as none of them would enter the old one for many years after its desecration.

The Tohunga or priest was also a seer. Like the oracle of Delphos his utterances were sometimes ambiguous. Consulted about the success of a war-party, one cried out, "A desolate

<sup>1</sup> 'Old New Zealand, by a Pakeha Maori.' London, 1876.

country ! a desolate country." The warriors went forth in hope, and were slain to a man. It was their own and not their enemies' country which was to be desolate, but the reputation of the Tohunga was maintained. It was believed that the seer could summon the spirits of the dead, and Judge Maning was present when in a large building, at night, the friends and relations of a deceased "Rangatira" gathered to converse with his spirit under the guidance of a notable necromancer. He heard conversation with a voice. He saw the powerful effect produced upon the tribe. Two young men held back their sister, the lover of the deceased, as she cried out that she would fly to her beloved. The departing voice seemed to say farewell in air as well as underground.

The bewildered audience had retired to rest when Mr. Maning heard the report of a gun and the wailing of women. The distracted girl had shot herself, and her father, himself a Tohunga, with one hand supported the lifeless body as he knelt, and with the other twisted in agony his matted hair, howling in despair, as he sustained the shattered remains of his child. Thus speaks Mr. Maning: "A calm low voice spoke close beside me—'She has followed her Rangatira,' it said. I looked round and saw the famous Tohunga of the night."

On the minds of such a people the tapu wielded a potent influence. Dread of supernatural rather than of human vengeance sanctified it in their eyes; but their traditions, laws, and customs, gave it minute application, and hardened its use. The authority which first enjoined obedience had passed into the hand of the high-born Ariki, at once patriarch and priest, and endowed with a power which if scorned by the wilful or careless might call supernatural curses upon them. Supposed to be sprung from Heaven the power was wielded by man, and no Maori disputed it.

The Maori prized "high birth, vigour of bone, desert of service." The noble families which had immigrated from Hawaiki were, in their several tribes, the governors of the new land. Yet the principal chief could scarcely be called a king even in his own tribe. Priest and the great chief were the two highest orders. Next to them were the "Rangatira," the general name for every chief of noble birth.

There was a middle class, and a lower class of people, and under all were the slaves; the captives, and the children of the *αἰχμαλῶται*, who abounded in the land, as the hewers of wood and drawers of water.

Stern even after death, the law of slavery was believed to extend beyond the grave. The great were to be happy, and in various dwellings in space each Maori was to find his eternal abode.

A Rangatira of great fame might acquire more weight in council than the tribal chief, but the latter was not deposed from his hereditary position.

Like the Germans of old, Maori chieftains came of noble birth; their leaders in war were chosen for their valour.<sup>1</sup>

In the councils of the old men the movements of the tribe were determined, and great meetings were held at which orators declaimed before their countrymen. Ever among them the speaker who could most artfully or pathetically interweave ancient song or proverb with his reasoning succeeded best in reaching their hearts, and sometimes roused them to ungovernable applause.

Ancestry and veneration for the past held sway. They loved the land which enshrined their forefathers with a feeling repellent of marketable value.

War was the delight and occupation of every chief.

The almost universal salutation to Captain Cook was, "Haromai, Haromai, harre uta a Patoo-patoo oge," which Tupia translated into, "Come on shore, come on shore, and we will kill you all with our Patoo-patoos."

Tradition said that the warriors who landed in the Tainui, at Kawhia, crossed the island and burned the Arawa canoe at Maketu, while the people were spread abroad at Rotorua and Taupo.

The torch of war was never afterwards quenched.

A proverb said that women and land were the causes of strife.

The first Europeans who visited New Zealand found the Maoris dwelling in forts framed on hills to prevent surprise.

No man was safe from attack, except by means of his own

<sup>1</sup> Reges ex nobilitate, duces ex virtute, sumunt.—*Tacitus*.

right hand. Yet till blood had been shed there was a chance of averting wars, and, when the moving spirits had agreed to terms, great meetings were held at which the reconciled tribes performed the war-dance which preceded feasting. A stranger would have thought it a prelude to a fight.

An ill-tempered man might, however, bring on war at any time by rearing an effigy of a chief and striking it. The insult demanded redress as if cast upon the living man. It was an insult not to him only, but to his tribe, and any of them might avenge it. The result was chronic war.

"Wherever we landed," Cook wrote, "the people told us that we were at but a small distance from their enemies."

With the savageness of cravers for an enemy's flesh the Maori mingled feelings of delicacy and honour.

Opposing armies have broken up their forces until a fixed day, in order to let one or other side attend to a farming operation, or celebrate the obsequies of a friend.

On the day fixed the ranks of war were resumed. It was customary to warn an enemy of the time when he would be attacked. If he was starving food has been supplied. After a battle visits were sometimes interchanged, and even the future plan of the campaign discussed, before it was resumed with Maori ferocity.

The weapons of old time were spear and club. Captain Cook described the heavy spear as fourteen or fifteen feet long. There was also a lighter lance hurled by hand, and clubs were used as battle-axes. The Patoo-patoo, or wooden club, described by Cook, was, he thought, the main weapon relied upon. It was larger than the favourite weapon, the "mere," made of choicest green-stone. He noted with wonder that there was no defensive armour, and that neither the sling nor the bow was to be seen or heard of. He saw their war-dance, and described the contortions of limb and face, the thrusting out of the tongue, the strength, agility, and harmony of movement by every performer. With brandished weapons, sudden but concerted motion, now bounding in the air and cleaving it with his club, yelling in chorus and pausing at the same instant, each Maori maddened himself for the combat in which each selected an individual foe. The darling object was to inflict more loss than was received,



and to seize the bodies of the slain. The victors pursued the defeated and then returned to their cannibal rites. The heads of their own slain chiefs were carried home with reverence, those of the enemy were carried in derision on the points of spears.

The women went out to meet their returning warriors. The widow of a slain warrior has been known to brain more than one prisoner brought back in bonds. She could also doom a slave to die to avenge her husband. The tapu was duly removed from the returning war-party.

The heads of fallen chiefs were placed with the bones of their ancestors, but could be produced to excite the tribe to vengeance. Those of the foe were reared about the pah or village, and continually insulted.

“Where is your father? eaten! Your brother? eaten! Your wife? There she sits, a wife for me! Your children carry burdens as slaves!”

The doom which Hector dreaded for Andromache fell with dire reality on Maori wives. Maori savageness, more cruel than the Greek,<sup>1</sup> strove to torture the spirits of the dead whose families were enslaved.

27 Captain Cook visited a pah at Mercury Bay, and described it minutely. It stood on a promontory facing the sea on two inaccessible sides. A steep avenue led to it on a third side from the beach, and the fourth could be approached by a narrow ridge communicating with the mainland. The outer palisade (which encircled the whole pah) was ten feet high, consisting of strong timbers bound with withes. There was a ditch outside. There was an inner palisade. The ditch between the palisades was twenty-four feet deep. Two stages, twenty feet high, forty feet long, and six broad, afforded a station whence, from within the inner palisade, the besieged might hurl darts and stones on their assailants. Piles of such missiles were ready for use. The only entrance to the interior was by a narrow passage communicating with the avenue from the beach and passing under one of the stage-forts.

The keen eye of the sailor detected the flaw, that there was

<sup>1</sup> Ἀλλά μέ τεθνεῶτα χυτὴ κατὰ γαῖα καλύπτοι

Πρὶν γ' ἔτι σῆς τε βοῆς σοῦ θ' ἑλκηθμοῖο πυθίσθαι. 'Iliad,' vi. 464.



no supply of water within, and it was difficult to imagine that the chivalry of a foe would permit the besieged to obtain a supply from a rill at the foot of the hill.

By the side of the hill was a patch of cultivation tended by the dwellers in the fort.

The great navigator was lost in astonishment at a people who having genius for building so admirably a place of defence, had invented no better missile than the dart thrown by the hand. Every village, he said, was a fort.

Carved heads, or figures like vast idols, were placed over the gateways of paha, and wooden figures with protruded tongues were placed at intervals in the palisades.

Before the introduction of fire-arms Maori villages were forts placed on hills. The inhabitants marched down to till the soil under the guard of fighting men in times of danger.

There was one compensating result. The hills were healthy sites, and in spite of decimation by wars the population of the North Island was considerable when first seen by Europeans.

A law called "Muru," or "plunder," was strange. If a man's child fell into the fire, if his canoe were upset, if a fire he had kindled spread too far, the "hapa," or subsections of the great tribe to which he belonged, were entitled to assemble and inflict the penalty of the "muru" upon him. The victim was informed beforehand, and the compliment to him was greater in proportion to the size of the marauding band. He prepared a feast of all that he had.

The "taua muru" (or party for the muru) arrived, and was welcomed with shouts. The inevitable war-dance was exhibited by the guests and hosts. A spear-combat ensued between the victim and the leader of the "muru" band. Fierce as it seemed it was not meant to be fatal. When blood was drawn it ceased.

The visitor roared out "Murua! Murua! Murua!" and his friends began, according to law, to sack the village, while the late combatants sat down to converse together, scrupulously avoiding any allusion to the original delinquency which caused the "muru."

The general effect of the custom was, according to Mr. Maning, to destroy the privileges of personal property.

He saw a coat, purchased from a trader, pass into six hands

before, under the operation of the muru, it returned dilapidated to the first purchaser.

The muru may have been a partial antidote to the conservative operation of the tapu. Though life was sacred during the muru it was little cared for if taken during a proper quarrel. Yet if a man killed another by accident his offence was heinous. He and his kindred were open to plunder by the friends of the deceased. A Maori commentator speaking of the Muru Whakanui (stripping to exalt), or complimentary Taua, argued that in Maori eyes it really honoured its sufferer. If any disaster to a chief were to be unnoticed, men would quote the proverb, "Ah, the death of a dog, no heed need be given to it." Another object was, he said, to caution the men of the tribe to take proper care of the chief. In preserving his influence they were guarding themselves.<sup>1</sup>

A slave might at any time be killed by his master.

The reverence for war extended to sanctioning acts which would otherwise be wrongful. A war-party, or even a band which had travelled for a great war-dance and festival, could lawfully plunder inoffensive strangers as it travelled homewards. But its legalized rapine was moderate. It did not sack or destroy.

X Where land was proverbially a cause of war, titles orally preserved became hopelessly involved.

The paramount authority of the chief, his "mana," was the only safeguard.<sup>2</sup> He could not sell the village of his friends, nor the patrimony of any of them; but the tribe required his sanction to make good their own transactions. Strange rights accrued and multiplied. A fishing right possessed by a man's father entitled him to compensation, and the owner of the spot could not sell without satisfaction to the claimant.

Marriage relations conferred partial rights.

One man claimed compensation because his grandfather had been murdered on land—another because his own grandfather had committed the murder.

If wise counsels could not allay strife, fresh fighting conferred fresh rights.

<sup>1</sup> Wiremu Hikairo to Sir William Martin. ('Life of Henry Williams, Archbishop of Waimate,' by Hugh Carleton, vol. i. Appendix.)

<sup>2</sup> Chiefs descended from the leaders of the immigration from Hawaiki were deemed to have special mana over the tribal land.

Conquest—absolute conquest with occupation—gave indefeasible title. But if a remnant of a defeated tribe escaped death or captivity, it preserved its rights except as regarded those portions of its birthright which the conquerors chose to occupy, to till, or to hunt or fish over.

Known of all men among Maoris, after a fashion, these rights were to be the source of unnumbered woes by means of Englishmen whose interests were supposed to lie in despising or disputing them.

In 1871 the Native Lands Court was long engaged in an inquiry as to the consequence of a Maori war of 1830.

The Ngatihaua chief claimed Te Aroha on both sides of the Waihou river by virtue of conquest. The Ngatimaru admitted their defeat at Taumatawiwi, in the Waikato district, and their expulsion therefrom, but denied the loss or evacuation of the Aroha block, which they pleaded that, though it was ravaged by marauding parties, they had never ceased to occupy more or less. The allegation of the Ngatihaua was that certain of their number had occupied places in the land, and thus acquired complete title accruing from conquest.

After much conflict of evidence before Judges Maning (the Pakeha-Maori) and Monro, the claims of the Ngatihaua were rejected by the Court.

The dispute furnished a key to the endless causes of war amongst a race whose titles were recorded only in oral tradition.

Another trial of a question of title before the Native Lands Court in 1869,<sup>1</sup> gave startling proof of the sufferings undergone by the dwellers on the rich lava fields, which abound on the isthmus which divides the Hauraki Gulf from the harbour of Manukau. Each volcanic cone was in 1720 a fortress terraced by the hand of man. The traveller marvels now at the vast remains of labour performed with wooden implements. More than a score of such hills, varying from one hundred and fifty to six hundred and forty-two feet in height, are within six miles of the centre of the isthmus.

Maungawhau (now absurdly called Mount Eden) was the highest, and still bears traces of the vast works erected upon it. But in 1720 Mangakiekie (One Tree Hill), was the dwelling-place

<sup>1</sup> The Orakei Case. Chief Judge Fenton's Judgment.

of the great chief Kiwi who ruled in the neighbourhood. In 1740 he fell in battle with invaders from Kaipara. The Ngatipaoa, and the Ngatiwhatua with various fortune and sometimes with aid of friends, from Waikato and elsewhere, kept up destructive warfare in the fertile territory almost without intermission so long as only wooden weapons were available.

The ancient dwellers, the Ngaiwi (*i.e.* the tribes), had been broken; the isthmus was the highway of war-parties; and the Ngatiwhatua, who were the nominal occupants, were plundered by each marauding war-party that traversed their territory, and were also involved in perpetual strife with the Ngatipaoa.

The distribution of the tribes at the time of the English occupation in 1840, may be briefly summarized thus:

In the extreme north of Te Ika o Maui (the North Island of the colonists) the Aopouri had been decimated by wars with their neighbours, the Rarawa.

South of the Rarawa territory, which approached Hokianga, the Ngapuhi, Hongi's tribe, occupied the land from sea to sea, until they reached the land of the Uriohau, extending from Kaipara to Cape Rodney, and bounded on the south by the territory of the much-enduring Ngatiwhatua,<sup>1</sup> at and near Auckland, the highway of war-parties.

The Ngatitai held the small block which is bounded on the west by the Tamaki Creek and the Manukau harbour, and does not quite extend to the Papakura river nor to the Wairoa on the south.

Thence the Waikato tribes occupied the Waikato river from its mouth upwards, above the confluence of the Waipa river, where was the Maori settlement Ngaruawahia, or "the meeting of the waters."

From Matamata on the Thames to the west coast, under the sagacious guidance of Te Waharoa, the Ngatihaua leader; of Te Whero Whero and others on the lower Waikato; and of the warlike Ngatimaniapoto chiefs on the Waipa river, the Waikato tribes held sway. How they had become possessed of Kawhia, and of the great forest which stretched thence towards the

<sup>1</sup> "Nga"—the plural of the article "te," "the," or Ngati—was the usual affix to the names of tribes, *e.g.* Ngatimaru, Ngatimaniapoto, Ngatiawa. Sometimes, *e.g.* Rangitane, the affix was not used. Sometimes it was abbreviated, as in Ngapuhi.

mouth of the Mokau river, will be told when the career of Rauparaha, the Ngatitoa, demands consideration.

Inland the Ngatimaniapoto met the Ngatiraukawa, a tribe which held land on the Waikato upwards from Maungatautari towards Lake Taupo, from which the Waikato or Horotiu river streamed northwards.

The Ngatitama held a tract of land extending inland from Mokau to upper sources of the Wanganui river. The Ngatiawa held a much-loved territory at the Waitara, although their principal chief had, in concert with Rauparaha, led forces southwards to conquer new lands. Mount Egmont was included in the Ngatiawa boundary.

The Taranaki tribe held a small tract on both sides of Cape Egmont, with the whole of its coast.

The Ngatiruanui held the land fronting the Waimate bight, and stretching inland so as to include a portion of the Wanganui river. A small tract, including Waitotara and extending nearly to Wanganui, was held by the Ngarauru.

The Ngatihau held the lower part of the Wanganui river and joined the Ngatiruanui on the north, although the Ngarauru boundary projected sufficiently to enclose a small portion of the Wanganui.

South of the Ngatihau territory was an expanse in which the Rangitiki and Manawatu rivers and a portion of the Tararua mountains were included. In this expanse were the lands of the Muaupoko, the Rangitane, and the Ngatiapa.

Superadded to them in certain places were the Ngatiraukawa, who, on the invitation of Rauparaha, followed him to enjoy his southern conquests. When the Colonial Government endeavoured to buy lands in the district the numerous titles were so little understood or respected that neither Sir Donald McLean nor any other agent could ascertain how to deal with them; and undoubted claims of ownership were in danger of being set aside at the risk of violence or war, until, after many years of temporizing and shuffling on the part of one ministry after another, the Native Lands Court in 1869 applied the test of law, and some of the blunders of the Government agents were exposed.

South of the composite territory alluded to was a small tract

held by the Ngatiawa, under the leadership of W. Kingi te Rangitake at Waikanae.

The Ngatitua, under Rauparaha, held the Island Kapiti, and also a tract on the mainland, including the Porirua harbour and a great portion of the (Eritonga or) Hutt river.

The peninsula which includes Port Nicholson was held by another branch of the Ngatiawa, of whom the principal chief was E Puni.

In the enumerated tribes each will be seen to have held some land bordering on the sea. But there was one great tribe which occupied the heart of the island and had no such sea-claims. Nevertheless the great Lake Taupo, often called *mōānā* or sea, by the Maoris, was in their domain.

The Ngatituwharetoa, under the giant Te Heu Heu, held that domain; which was bounded on the west by the Waikato tribal lands, by the Ngatitama, by a small portion of the Ngatiruanui mountain land, by the interior boundaries of the Ngatihau lands, and by the district of those composite claims which no New Zealand Government or agent could unravel.

On the north Te Heu Heu met the Ngatiraukawa; *i.e.* the residue of the tribe who had not cast in their fortunes with Rauparaha at Rangitiki and Manawatu.

The east coast from Cape Palliser to Paretu (north of Table Cape) was considered to be the land of the Ngatikahungunu. Their western boundary was formed by the eastern limits of the lands of the Ngatiapa, the Ngatitua, the Ngatiawa (at Waikanae), the composite district, and by Te Heu Heu's central domain, and ran for a long distance along the great Ruahine Range. Their spacious territory was occupied by numerous hapu or sub-tribes. Mr. Colenso, preparing a census in 1849, enumerated forty-five without exhausting them.

Poverty Bay was the heritage of the Rongowhakaata, who were bounded at Gable End Foreland by the Ngatiporou, who held the coast thence round the East Cape to Cape Runaway.

Thence on the eastern arc of the Bay of Plenty to Opape the Whanauapanui held the land. From Opape to the river Whakatane the Whakatohea ruled.

Both the Whanauapanui and the Whakatohea territories were bounded by the land of the Ngatiporou in the interior.

From Whakatane to Waitahanui the land was held by a section of the widely-distributed rovers, the Ngatiawa.

From Waitahanui to Papomoa the Arawa held the coast, and their territory extended inland to the hot-lake district of Rotorua and Rotomahana.

There was in the interior, at the back of the Ngatiawa district just mentioned, a rugged tract belonging to the Uriwera tribe. They required the almost inaccessible fastnesses of the Whakatane mountains to shelter them from their numerous neighbours. Their boundaries touched upon the lands of the Ngatiawa, the Arawa, the Ngatituwharetoa under Te Heu Heu, the Ngatikahungunu (from Tauhara to Lake Waikaremoana), the Rongowhakaata, and the Whakatohea.

On the coast from Papomoa to Katikati the Ngaiterangi held the land. On their northern boundary they met the Ngatimaru and Ngatipaoa, who, with their numerous subdivisions (some of which derived their name from ancestors of bygone centuries), held the whole of the Coromandel Peninsula, with great portions of the Thames and Piako rivers, and whose western boundary was co-terminous with the Waikato boundary, and ran through the Wairoa range, trending northerly until it met the waters of the Hauraki Gulf at the mouth of the Wairoa river.

The population of the tribes thus distributed in the Northern Island was believed to exceed one hundred thousand. Rumour said that it had once been greater. It was plain that by desertion or otherwise many once populous forts and villages had become desolate.

There were amongst the Maoris living in 1840 many who held high reputations as counsellors or warriors. Hongi had left the world which he had troubled, and Te Waharoa had died of disease. But Rauparaha at Kapiti, Wiremu Kingi Te Rangitake at Waikanae, Te Whero Whero in Waikato, Rewi among the Ngatimaniapoto, Waka Nene and his brother Patuone among the Ngapuhi, Panakareao among the Rarawa, and other chiefs on the east and west coasts, maintained their fame. Conspicuously at Lake Taupo the Ngatituwharetoa chief, Te Heu Heu, was the undisputed leader of men.

Mr. J. C. Bidwell, who saw him in 1839, described him<sup>1</sup> as

<sup>1</sup> 'Rambles in New Zealand,' by J. C. Bidwell. London, 1841.



“a remarkably fine man, upwards of six feet high and very strongly built,—a complete giant.” Ever bold and haughty, confident in his remoteness from the gathering grounds of the English, Te Heu Heu lived in surly grandeur until, in 1846, with his whole village, Te Rapa, and about sixty followers, he was engulfed by a landslip on the shores of the lake.<sup>1</sup>

The Middle Island, Te Wai Pounamu, the land of mountain, flood, and fiord, seems never to have been largely peopled. Various traditions were extant as to the manner in which the Maoris overspread it sparsely.

No distinct story explained the fate of the tribe supposed to have been landed from the Takitumu canoe. It may have recrossed Raukawa (Cook's Strait) to the warmer land of Te Ika o Maui.

Precise narratives declare that under Tauriapareko a detachment of the Ngatihau sailed from Wanganui and occupied the Arahura country, where the precious green-stone was found; and that from that detachment sprung the Ngaituahuriri, a powerful hapu of the Ngaitahu, whom the English found in possession.

Maori tradition ascribes to another migration from Taupo, by way of Wanganui, the occupation of the southern shore of Cook's Strait by the Ngatitumatakokiri, who were, in 1642, the assailants of Tasman in what is now called Golden Bay.

Other migrations succeeded.<sup>2</sup> The sanguinary wars of the North Island were imitated in the South. Reinforcements sallied from the Northern Island to aid friends or conquer new lands.

The Ngatikuri, a branch of the Ngatiruanui, migrated to Cloudy Bay.

<sup>1</sup> Te Heu Heu's brother who succeeded him composed a pathetic but proud lamentation for the lost chief, who was “a spreading tree to shelter his people when evil hovered near.” Stars disappearing were emblems of the beloved lost one. . . . What strange god has caused so dread a death? . . . Show again thy strong frame. . . Ah! the people are comfortless and sad. . . Lo! thou art fallen. The earth receives thee as its prey. But thy wondrous fame shall rise resounding through heaven.

<sup>2</sup> Details may be found in ‘A Compendium of Official Documents relative to Native Affairs in the South (or Middle) Island,’ compiled by Alexander Mackay, Native Commissioner, 2 vols. Printed at the Government Printing Office, Wellington, 1873.



The Ngatimamoe, descendants of the warriors of the Aotea canoe, migrated from Wanganui, rather to slay and conquer than to discover new lands.

The Ngaitahu, sprung from the Ngatikahungunu of the east coast, went forth to slaughter their cousins in the Middle Island about the time when Philip II. planned the destruction of the English by means of his invincible Armada.

After wars, reconciliations, inter-marriages, and renewals of slaughter and cannibalism, the Ngatimamoe were thrust to the south, and the Ngaitahu held sway to the north of the 43rd South parallel.

For them a murderous doom was prepared by Rauparaha long after white men had frequented Cook's Strait, increasing rather than diminishing the ferocity which prevailed.

In 1827 Rauparaha slew hundreds at Kaikora, and though peace was made he planned fresh assaults. In one expedition he met a rebuff which he never forgave. His uncle, Te Pehi, while engaged with other chiefs in entrapping the Ngaitahu, was slaughtered, and Rauparaha, who had been wily enough to avoid the fate of his uncle, sullenly retired, brooding over schemes of vengeance, in which he was to be aided by the master of a British vessel, in 1831.

Speaking in general terms it may be said that, in 1831, Rauparaha and his allies had, by slaughter and subsequent occupation, acquired a title to much territory on the south shore of Cook's Strait. But he was not glutted with revenge, and besieged and captured, with the usual cannibal results, a great pah at Kaiapoi, where hundreds of the Ngaitahu fell. Nevertheless the remnant of the tribe maintained a desultory warfare, and Tuhawaiki on one occasion surprised the wary Rauparaha himself, who only escaped by swimming in the sea to his fleet of canoes at the mouth of the Blind River. About 1835 Rauparaha formally apportioned to his own tribe the Ngatitoa, and to his Ngatiawa and other allies the territories at Cloudy Bay, at D'Urville Island, Queen Charlotte's Sound, and Tasman Bay.

The Ngaitahu by degrees returned from the south, and under the increasing influence of the missionaries felt themselves safe near their old homes at Kaiapoi. Soon after Bishop Selwyn's

arrival he went with a son of Rauparaha in a small vessel to preach peace among the Ngaitahu, upon whom Rauparaha's vengeance had fallen so heavily.

The decimation of the Ngaitahu and the Ngatimamoe, though it left territory to them, grievously impaired their importance, and made it easy for the English to procure for trifling sums enormous tracts, which were represented as useless to the owners. Part of the consideration was to be the provision of schools, hospitals, and the application of fifteen per cent. of the land revenue for their welfare. The "unfulfilled promises," of which they complained year after year, and the ignoble evasions of the New Zealand Government, form a dreary episode in their history. It may be mentioned that when the British Government assumed the sovereignty of the Middle Island the Ngaitahu were recognized as lords of the soil of the east coast from Kaiapoi to Stewart's Island, but there had been much inter-marriage between them and the Ngatimamoe.

There was a race, the Moriori, settled at the Chatham Islands, and it has been suggested that they, the original denizens of New Zealand, had gradually been driven southwards. But their language was not so different as to demand such an explanation.

The proclivity to decay and degradation which, after a period of high culture, plunged ancient Egyptian and Phœnician cities into relative barbarism, has often abased other families of the human race, and the Moriori cannot fairly be classed as a being of different order from the Maori because he is not his equal now.

The Ngatiawa proved their roving tendencies long after Europeans were visitors to their country. A chief chartered an English vessel in 1838 and sailed to the Chatham Islands, where he subdued the Moriori inhabitants, and established his own people.

The Maori language, so easily understood by Captain Cook's Tahitian companion, was full of vowels, and when the Christian missionaries committed it to paper they found fourteen letters sufficient for the purpose. They performed their task so well, that when one of their number, Kendall,<sup>1</sup> went with Hongi and

<sup>1</sup> A grammar, drawn up by Kendall previously, had, by Mr. Marsden's aid, been printed in Sydney in 1818. Revised by Professor Lee as described in the text, the new edition was printed by the Church Missionary Society in London in 1820.

another chief named Waikato to England, in 1820, with the aid of Professor Lee, at Cambridge, and their own subsequent improvements, they reduced the language to writing with such precision that even a person unacquainted with Maori has taken down the words of a speaker with accuracy. As in Australia, the natives had no sound which required the use of the letter *s*. As in Australia, there was a sound which no English letter would render, and a combination of two letters (*ng*) was coined to give it approximately. The letters were *a, e, h, i, k, m, n, ng, o, p, r, t, u, w*. The pronunciation of letters adopted by the missionaries was that of the Italian language. The broad sound of the *a* was the prevailing tone which struck a foreigner, and a dialogue in mild accents was pleasing to the ear. Every word ended with a vowel, and every English word converted into Maori terminated in like manner. Like other unwritten languages the Maori was not copious, but the Oriental genius of the people relieved it by the imagery of their songs and orations.

Their veneration for nobility of birth preserved them from becoming an undistinguished herd. Their intricate laws of tapu had lost no vigour during the centuries of their occupation of New Zealand, which preceded the English intrusion. Divided into tribes and rent by wars, the Maori race clung to the laws and rites of its ancestors. It had, or rather it may be said each tribe preserved, definite laws and rules of conduct for all cases. Howsoever or wheresoever adopted it had a code commanding right and forbidding wrong in a manner questioned by none. It had all the foundations of sovereignty which resides in lawful states. There was no disaffection; there was unhesitating submission or concurrence with that which the accredited rulers declared to be just.

But for their wars and their lust for cannibalism the Maoris might have been happy, so far as man can attain happiness without hopes and aspirations which prepare him for a life to come. Of that life to come they had consciousness, but their laws did not teach how to attain it with the blessing of a Father in heaven. The priceless heritage of man in the Lord's Prayer was not revealed to them until gifts from vile sources had poisoned the springs of their life. Yet they retained remnants

of creeds which their ancestors in America or other lands had professed. They believed in a future state though they did not worship one great Creator. They recognized rather than worshipped special powers or gods, the makers of trees, of mountains, of fish, the patrons of men and of war. Even to them they did not address prayer, though in their ancient *karakia*, or incantations, they referred to their attributes, more by way of exorcism than in humility.

The nearest approach to practical worship was reverence for ancestry, but it did not assume the form of prayer. The *Lares Familiares* of Italy, the *Θεοὶ ἐφύεστιοι* of Greece, the *Pitris* of Hindustan, were reproduced if not continued in the *tūpūnā* (ancestors) of the Maori. High on the pediment of the great house of a tribe was carved the image of the *Ἡρώς ἐπώνυμος*. To the distant progenitor were often assigned virtues or powers more than mortal. In the dim regions of mythology the supernatural and natural were blended.

Maui was mortal, but had power to fish up the Northern Island from the depths of the sea. He controlled the sun and moon in their courses.

Yet were the Maoris not without traditions of the throes by which the world they saw around them was wrought into its forms.

From primæval night had sprung light and thence came nothingness. Afterwards followed in succession various abstractions, which produced at last Rangi and Papa (Heaven and Earth). From them sprung the things which men see. Before Heaven and Earth were parted their children were in darkness and became rebellious. They determined to rive asunder their parents or to slay them. One only, Tawhiri-matea, the father of winds and storms, would not consent.

Rongomatane, the god and father of the cultivated food of man, struggled to rend apart Heaven and Earth, but failed. Tangaroa, the god and father of fish and reptiles, Haumiatikitiki, the god and father of the food of man which springs without cultivation, Tu-matauenga, the god and father of fierce human beings, strove in vain in like manner. Then Tane-mahuta, the god and father of forests, of birds, and of insects, rose and with giant force succeeded. Heaven and Earth were sundered; darkness was made manifest, and so was the light.

Then were seen the multitudes of human beings hitherto concealed between the bodies of Rangi and Papa. But the god and father of storms, Tawhiri-matea, followed his father to the realms above, and hurried to the sheltered hollows in the boundless skies. Thence, in indignation at the sundering of his parents, he sent forth clouds and hurricanes, sweeping away forests, lashing the ocean into fury, and terrifying his rebellious brothers, all but one of whom he conquered. But Tu-matauenga, the god of fierce man, resisted him, and slew and ate his brethren who would not aid in the struggle. But, like Tu-matauenga, Tawhiri-matea was unconquerable, and remained the enemy of man whom he still vexes with storms. Tu-matauenga taught the human race incantations and prayers;—to Heaven for fair weather and to Earth to bring forth all things abundantly.

The tradition told by the Maoris to Sir George Grey concluded thus:—"Up to this time the vast Heaven has still remained separate from his spouse, the Earth. Yet their mutual love still continues. The soft warm sighs of her loving bosom still ever rise up to him, ascending from the woody mountains, and men call these mists; and the vast Heaven, as he mourns through the long nights his separation from his beloved, drops frequent tears upon her bosom, and men seeing these, term them dewdrops."<sup>1</sup>

The children of Tu-matauenga multiplied upon earth, and in due time Maui, the Maori demigod, was born.<sup>2</sup> How he wrought great deeds; arrested the wandering sun so as to lengthen the daylight within which man might work; wielded enchanted weapons; fished from the sea the Northern Island (Te Ika o Maui, "The Fish of Maui"); procured fire; transformed himself at will; and vainly strove to win immortality for mankind by defying Hine-nui-te-po, the goddess of death, may be read in the traditions recounted to Sir George Grey by the Maoris, who claimed descent from Maui as the ancestor of the men of Hawaiki and of Aotearoa.<sup>3</sup>

<sup>1</sup> 'Polynesian Mythology and Ancient Traditional History of the New Zealand Race, as furnished by their priests and chiefs.' Sir George Grey. London, 1855.

<sup>2</sup> *Ibid.*

<sup>3</sup> The general name for the islands in Maori tradition.

Howsoever the custom arose, the cannibalism imputed to Tu-matauenga, the god of fierce man, was not only imitated but enshrined as a part of the religion of the Maoris. It was not as mere food that flesh was eaten. The feast was the incarnation of triumph, and, as such, was not shame but glory.

The foulest and most disgusting scenes were enacted in the sight of Englishmen. Human bodies strewn about the ground; fragments carried to the ovens and thrust before the face of the visitor in boasting or derision; sights at which humanity might shudder to its inmost core,—were the sequel to every battle.

Maori tradition tells that the Maori was not a cannibal when the Arawa and her sister canoes carried the race to its new homes; but the horrid rite existed and remained among islands of the Pacific.

Revenge and superstition gave it force in New Zealand. The hatred of the living was fed; the dead were disgraced by being eaten. One corpse was set apart for the god of war; and portions of it were kept as symbols to remove the “tapu” from the conquering war party. It was the ferocious desire of the victors to prevent, as it was ever the heroism of the vanquished to secure, the carrying away of the dead and wounded. It was so great a disgrace to the Maoris to be eaten that if a crew of them were starving, under circumstances in which Europeans have yielded to the dying lust for human food, the Maori would welcome death rather than let a morsel of a friend approach his lips. He devoured his enemy with a passion accursed by his religion. He ate a slave as a tribute to a friend who was dead.

The women were not indulged in the repast. But for the chief woman of the tribe was reserved the devouring of a portion of the first victim slain in battle, consecrated to the Atua, or god, who had given victory.

The ferocity of the Maori was raised to the dignity of a religious rite.

Captain Cook, from whom the natives did not conceal the truth, was at first inclined to ascribe their cannibalism to a want of animal food. But, during his stay, he did not acquire a knowledge of the superstitions connected with it. On his second visit he said: “Neither this, nor the want of food of any

kind can, in my opinion, be the reason. But, whatever it may be, it was too evident that they have a great liking for this kind of food."

Trained thus, the Maori was athirst for blood and gloried in inspiring terror. Thus was said to have sprung up the custom of tattooing, which Maoris declare to have been adopted after the migration to New Zealand. Yet, as it prevailed among the islands whence they came, it is open to every inquirer to decide for himself whence the New Zealand custom was derived.

✓ The face, hips, and thighs of men were scored in waving patterns, of which each line had a name. The heraldic bearing of a chieftain was worn on his face, and was as well known as the tartan of a Highland clan. The dusker countenances became almost black with the process, dark vegetable pigments being inserted when the lines were cut. The priest performed the operation with a mallet and sharp incisor. Bystanders sung ancient songs to inspire the patient with fortitude. The elders accumulated their adornments by degrees, and shone superior to the young.

Whether adopted to terrify the enemy or not, the curved lines became beautiful to the Maori eye, and the women suffered the disfigurement on the lip, chin, and eyelid. ✓ Captain Cook, in 1770, though disgusted with the horrid deformity of the "human face divine," could not but admire the dexterous elegance with which the lines were impressed with such "luxuriance of fancy that, of a hundred which at first sight appeared exactly the same, no two were, upon a close examination, found to be alike."

The mythology and traditions of the Maoris would fill volumes.<sup>1</sup> The tale that Maui (whose name by some has been thought to be the root of the word Maori) dragged the Northern Island from the depths of the sea became rooted in the minds of the people by the name of the island. Perhaps also the tradition was connected with that which declared Cape Te Reinga, the north-west point of the island, to be the place

<sup>1</sup> Many of the traditions of the Maoris have been preserved by Sir George Grey, *vide* 'Mythology and Traditions of the New Zealanders,' London, 1854; and 'Poetry of the New Zealanders,' New Zealand, 1853. They are also detailed at some length in 'New Zealand and its Inhabitants,' by the Rev. Richard Taylor, M.A., F.G.S.: London, 1870; and in the Volumes of the 'New Zealand Institute,' by the learned W. Colenso, F.L.S.



whence the spirit of man took flight to the future world by entering "Spirit Bay." It was not unnatural that the children of Maui should find the eternal world in the depths whence their demigod had drawn the land of their birth.

The word "Maori," which means "native," was used as the descriptive term for "man," before the arrival of European voyagers made it necessary to invent another term, *Pakēha*, "foreign," to describe other races of mankind.

Savagely addicted as were the tribes to war their abodes appear to have been, for some time, comparatively unchanged until the introduction of fire-arms revolutionized the mode of warfare.

Early in the 19th century the visits of whaling and other vessels had supplied fire-arms to a limited extent in the districts north of the Gulf of Hauraki.

In 1820, Captain Cruise of H. M. 84th Regiment, saw twelve muskets in the hands of a tribe at Whangaroa, and heard at the Bay of Islands that the fire-arms possessed by the Ngapuhi had made them "the terror and scourge of New Zealand."

An illustration of Maori conquest, within the range of modern evidence, may here be given.

The wily Ngatitoa chief Rauparaha, at Kawhia, when he heard of the traffic of fire-arms in the north, scented danger from afar, and devised schemes of conquest at Cook's Strait which might not only place him at a distance from the Ngapuhi, but enable him to barter successfully for powder and shot.

At the same time the savage Hongi was hungering for yet more weapons, and told Cruise "he should die if he did not go to England;" for there he would procure at least twelve muskets and a double-barrelled gun.

Another chief, about to become a great warrior, was keenly observing the course of events, and plotting for the aggrandisement of his tribe, a section of the Waikato people. Te Waharoa, the Ngatihaua leader, was the son of Taiporutu. Taiporutu in the act of attacking a pah, had been slain in the Waharoa, or principal gateway, and when his widow brought forth a son soon afterwards, she called him Te Waharoa in memory of the father's deeds.

Carried away captive to Rotorua, when two years old, he had



almost grown to man's estate when, about 1795, he was allowed to return to the dwelling-place of his tribe, then established near the Maungakawa Range, which overlooks the Waikato river, near Cambridge, and from which in a northerly direction the heads of the Piako river, the Waitoa, and the Thames flow down the extensive valley called after the latter.

Established upon the streams were the Ngatimaru and their kindred; and the brain of Te Waharoa devised schemes for expelling them, and seizing the rich lands on the upper portions of the Piako, the Waitoa, and the Thames, as well as securing possession of a portion of the east coast at Tauranga by conquest, or by negotiation with the occupying Ngaiterangi, and obtaining, by traffic with European flax-buyers, the fire-arms which in Maori eyes were the only safeguards against death or slavery.

Active, subtle, and ferocious, distinguished for address and reckless bravery in single combat, he obtained, in spite of the taint of slavery in childhood, undisputed leadership of his tribe. He succeeded in allying himself with the Ngaiterangi, and with their aid inflicted severe loss upon the Ngatimaru.

It has been asserted that Te Waharoa's subtle schemes and alliances with the Ngatimaniapoto branch of the Waikato people drove Rauparaha from the home of his ancestors. It seems more probable that Rauparaha elected his new career for the reasons previously stated.<sup>1</sup> He had blood relations amongst the Ngatiraukawa tribe whose head-quarters were at Maungatautari, a remarkable range on the west bank of the Waikato river a few miles above Cambridge. He had visited and won the admiration of the great Taupo chief Te Heu Heu. He had sounded the Ngatimaru about alliances; and it was suspected that with the help of the Ngatiraukawa and the Ngatimaru he hoped to conquer the Waikato tribes who under Te Whero Whero held the valley of the Waikato from Pirongia to the sea.

About 1812 he had visited the Ngatiwhatua, the harassed holders of the lands near Auckland.

But fire-arms were as yet held only in the districts frequented

<sup>1</sup> 'The Life and Times of Te Rauparaha,' by W. L. T. Travers. 'Transactions and Proceedings of New Zealand Institute,' 1872. Mr. Travers derived much information from Rauparaha's son, and I have availed myself of portions of his narrative, checking them by means of evidence adduced in courts of law.

by whaling vessels, and their visits were principally confined to the Bay of Islands and the north-east coast. Though he had raised his reputation as a warrior by successful raids, Rauparaha felt his position insecure. The small territory of his tribe extended from Kawhia to Mokau, and was open to incursion of the Waikato tribes whom he had embittered against himself. Accident or astuteness gave a new direction to his thoughts. Waka Nene and his brother Patuone, great Ngapuhi chiefs then in the prime of life, visited Kawhia in 1817, and it was arranged that Rauparaha should join them in a slaughtering and devouring war-party. They carried with them the coveted fire-arms. Their fighting men were said to be two hundred. Sparing the neighbouring Ngatiawa who were friendly to Rauparaha, the allies successfully assailed the Ngatiruanui, and the other coast tribes until they paused at the island Kapiti.

There the wily Rauparaha, conceiving a design to possess the land, thought it useful to conciliate the occupying Ngatiapa, and friendly relations were established, though a tribute of cherished green-stone implements was extorted.

Again the war-party proceeded to Cape Terawiti, whence the Ngatikahungunu had fled, warned by rumours of the slaying and devouring which had marked the path of the invaders.

Pursued to their pah at Tawhare Nikau the fugitives saw it stormed with great slaughter; and, scattered amongst the hills, fled in terror from the death-dealing fire-arms with which they could not cope. Slaying and capturing, Rauparaha and his friends chased the unhappy flyers as far as Porangahau, north of Cape Turnagain, before they retraced their steps to gorge their warriors upon the bodies left at Tawhare Nikau.

As they finally departed homewards the sagacious Waka Nene, seeing a European vessel in Cook's Straits, said: "Rauparaha, see you those people sailing on the sea? They are a good people. If you subdue this land and traffic with them for fire-arms you will become very great."

Rauparaha hardly needed the hint. On his return he cultivated the friendly feeling already established with the Ngatiapa. The chief of that powerful tribe had avoided the general ruin as Rauparaha and his friends passed down the coast. He led his people into the mountains, and the scourge passed on leaving

his tribe unscathed. A few scattered individuals were caught, but their capture did not constitute a war, nor was it deemed serious. Amongst them was a chieftainess, Pikinga, and the wily Rauparaha, instead of treating her with indignity, negotiated a marriage between her and his nephew Rangihaeata, one of the fiercest of the warriors of the expedition.

Thus were the powerful Ngatiapa ingratiated,<sup>1</sup> and made to form a friendly barrier between the new country which Rauparaha intended to occupy, and the northern territories where the musket-possessing tribes were an object of fear.

To his Ngapuhi companions Rauparaha showed no distrust on the return to Kawhia. They passed on loaded with slaves and other spoils to their homes in the north.

But Rauparaha took no rest. The power of fire-arms, proved in his recent bloody campaign, and the ambition of Hongi, who did not conceal his intention to carry fire and slaughter among the tribes south of Auckland, told too surely the probable fate of a small tribe like the Ngatitoea assailable either by war-canoes coastwise, or by land.

Yet the veneration of the Maori for the homes and burial-places of his forefathers presented a serious obstacle. Rauparaha devoted all his energy to overcome it. He visited his kindred the Ngatiraukawa at Maungatautari to induce them to join in his migration to his southern conquests.

The Ngatiraukawa leader, Hape Tuarangi, the "Ariki" of the tribe, was at the point of death before the assembled people. The dying man asked if his successor could tread in his steps, lead the tribe to victory, and thus keep up their honour. His sons were silent. After a pause Rauparaha rose and said :

"I am able to tread in your steps, and do more than even you."

<sup>1</sup> In ascribing importance to Rauparaha's negotiations and alliance with the Ngatiapa I do not follow Mr. Travers' paper. But I agree with the judgment of the Native Lands Court in the Rangitiki-Manawatu case in 1869, when scores of Maori witnesses were examined. It is better to be right with the Chief Judge (Fenton), and Mr. Maning (the Pakeha-Maori, who delivered the judgment) than to be wrong with Mr. Travers, who as counsel for the losing side may not unfairly be thought to have been biassed. But the point was disputed by many intelligent persons acquainted with the various tribes.

No other chief spoke; the superstitious chiefs accepted the omen, and thenceforward Rauparaha was accepted as a leader of the warlike Ngatiraukawa.

The adoption was not unnatural, for both the Ngatiraukawa and the Ngatitoa tribes traced their descent from a common ancestor, and Rauparaha's mother Parekowhatu was a Ngatiraukawa chieftainess.

Fortified by his new dignity, Rauparaha in frequent visits impressed upon the Ngatiraukawa the necessity of detaching a portion of the tribe to obtain new territory with a coast line which would enable them by traffic with ships to procure the one thing needful—fire-arms—to save them from the incursions of the well-armed men of the north. Gradually he prevailed, and in 1828 a large section of them joined him. Nor was this all. The powerful Ngatiawa tribe which held the land between Mokau and Mount Egmont was largely connected by marriage with the Ngatitoa. He induced many of them also to follow the example of the Ngatiraukawa.

Further diplomacy was needful. His principal successes in war in his youth had been achieved against the Waikato tribes. If the whole tribe of Ngatitoa should be in movement a war-party from Waikato might wreak vengeance for past disgraces. The women and children could not escape the Waikato wrath.

Rauparaha through agency of friendly chiefs of Te Whero Whero's tribe proposed a cessation of hostilities, and offered to cede, on his departure to Kapiti, the Ngatitoa domains to the Waikato tribe.

All these arrangements were concluded before the dreaded Hongi sailed to England to procure fire-arms. Provisions for the aged and infirm were sedulously stored, and in 1819 the farewell of the tribe was spoken.<sup>1</sup> The great carved house which could not be transported was burnt. From a neighbouring hill the people looked back at their abandoned homes and wept

<sup>1</sup> Although these facts have been ascertained after full inquiry in courts of law, I observe that in 'Reminiscences' published in a New Zealand newspaper in 1882, Rauparaha's departure is absurdly post-dated to a period long subsequent to the time in which it occurred. He migrated before the invasion of Waikato by Hongi. But the author of the 'Reminiscences' attributes his flight to a subsequent invasion at Taranaki by Te Whero Whero.

bitterly. "Farewell Kawhia! the people go to Kapiti." On the way it was found necessary to leave a number of women with a guard at the Puohoki pah. Rauparaha's own wife Akau, then pregnant, was one of them.

The main body passed on to Taranaki. In spite of entreaties Rauparaha refused to take back more than twenty chosen warriors to escort the women who had been left behind. He lost no time, for he shared the dread of his people. The Waikato, or the Ngatimaniapoto, might be unable to resist the temptation to destroy the small Ngatitoa band.

Rauparaha himself carried his new-born son. His wife, Akau, of commanding stature, arrayed like a chief with feathers in her hair, and brandishing a war-club, strode in the van with twenty other women similarly attired. As the custom was for women to wear the upper mat over one shoulder, and for men to wear it over the other, the deception was convincing. The weaker people followed, and Rauparaha with his chosen warriors occupied the post of danger.

His precautions were necessary. A band of Ngatimaniapoto had prepared to destroy the travellers; but, deceived by the apparent numbers of Ngatitoa warriors, shrunk from the encounter. The sagacious Rauparaha, having espied them, dashed upon them and slew five. Arriving at the Mokau river he found it swollen by rain and by a high tide. He was constrained to encamp. Again his wiles deceived the enemy. He caused many large fires to be made, and at each were women disguised as warriors. Only one man was at each fire. The rest, with Rauparaha, acted as scouts throughout the night. The men at the fires were ordered to call loudly to one another, saying—"Be strong, ye people, to fight on the morrow if the enemy should return. Think not of life. Consider the valour of our tribe."

In that night, so awful for the women, a terrible incident occurred. Tangahoe, a chief's wife, had her infant at one of the fires. It began to cry. Rauparaha saw that his stratagem might be exposed. He said to the mother in oracular sternness—"I am that child." She understood him, and with Roman rigour strangled her babe to save the lives of others.

By these arts and horrors the Ngatimaniapoto were deceived,

and before day-light Rauparaha had crossed the river when the tide was low.

Leaving the women safe in a friendly pah he returned for the bodies of the slain, amongst whom was a notable chief, and the disgusting orgies of cannibalism were revelled in by Rauparaha and his Ngatiawa friends.

The enraged Ngatimaniapoto procured the aid of Te Whero Whero and brought a larger party into the field, accompanied (some said) by Waharoa the Ngatihaua chief.

But the star of Rauparaha was in the ascendant; and, availing himself of a favourable position, with the aid of the Ngatiawa warriors he fell upon the assailants and inflicted a loss of more than a hundred men, who were devoured with the usual atrocities.

Thus freed from danger in the rear, Rauparaha travelled to Tuhua, on the Wanganui, where Te Heu Heu promised assistance in taking possession of Kapiti, but no more. Confident in his own resources he required no new territories.

Thence Rauparaha went to a gathering of the Ngatiraukawa under the authority of the chief Whatanui. Earnestly and eloquently Rauparaha pleaded that the only safety for the Ngatiraukawa was in obtaining fire-arms, and that at Kapiti they could be obtained.

The tribe would not be persuaded. Rauparaha passed on to Rotorua (and even, it was rumoured, to Tauranga), to obtain recruits, but failed.

Months, even years, were consumed before he procured the aid he thought sufficient to ensure safe possession of the lands he had so easily overrun with Waka Nene and Patuone.

The details need not be dwelt upon. It is enough to say that he obtained some Ngapuhi auxiliaries from Pomārē, a Ngapuhi chief; that in 1827 he persuaded Te Rangitake, the Ngatiawa chief at Waitara (whose father Reretawhangawhanga accompanied his son), and a large body of Ngatiawa to follow him; that a band of Ngatiraukawa under Ahu Karamu joined him, that Whatanui himself, in company with Te Heu Heu, travelled down the Rangitiki river to see the promised land, and that the result was that, in 1828, a large section of the powerful Ngatiraukawa tribe migrated to share the territory with the successful Rauparaha and his people.

The hairbreadth escapes of Rauparaha, the ferocity with which he pursued the remnants of the conquered tribes, the disputes amongst the conquerors about the conquered land, it would be tedious to relate.

There were battles in which Rangihaeata was distinguished as a fighting chief. There was no occasion on which by guile, strategy, or cruelty, Rauparaha failed to be a gainer.

Once, while he was on the mainland, a combination of the Rangitane, the Muaupoko, the Ngatikahungunu, and others, attacked the Ngatitoa on Kapiti, and hemmed them in at Waiorua. A truce was agreed upon, but it was rudely broken by the arrival of Rauparaha and his warriors, and two hundred of the allied tribes were destroyed.

By a rough rule of rapine, in accordance with Maori law, the land was appropriated by the Ngatitoa, the Ngatiawa, and the Ngatiraukawa. The Ngatiapa, by reason of their alliance with Rauparaha, retained their possessions on the north of the Rangitiki river. At one time there was fighting between the conquerors about the land, but at the suggestion of Rangihaieta's mother, backed by the command of Rauparaha, the Ngatiawa took possession of Waikanae, leaving the Horowhenua country to the Ngatiraukawa. The hapless expelled tribes, pursued by the wrath of Rauparaha (who never forgot or forgave an attempt to murder him at night in a Muaupoko pah, to which he had been inveigled by an offer of canoes; Rauparaha being the only one who escaped), sought refuge in mountain fastnesses, or with their friends at Wanganui and Patea. Some were received as accessions to the Ngatiapa tribe; and Whatanui the Ngatiraukawa leader was kind to them.

As soon as possible, Rauparaha encouraged flax cultivation and other means of bartering for the coveted fire-arms; and vessels calling at Kapiti supplied his wants. Obtaining these, the immigrating Ngatiraukawa were content with their lot, and roving bands of their countrymen joined them occasionally, passing through the friendly territory of "the king of men," as they esteemed him,—the high-born and gigantic Te Heu Heu.

Some of these events occurred after the bloodthirsty designs of Hongi had been matured and were deluging the north with



blood, but Rauparaha had evaded them, by abandoning Kawhia,<sup>1</sup> and ensconcing himself behind the friendly tribes of Te Heu Heu; the Ngatiapa; and his Ngatiraukawa friends in their new homes.

The large migration of many hundreds of the Ngatiawa under Te Rangitake in 1827, strengthened the Ngatitoa position, but it left the remaining Ngatiawa at Waitara a prey to incursions of the Ngapuhi and of Te Whero Whero and the Waikato war-parties.

How the ferocious Rauparaha carried to the Middle Island the horrors from which he himself had fled is told elsewhere.

The savage exploits of Hongi, foolishly assisted by high personages, in England and elsewhere, in spite of the imploring voice of Marsden, fill the next page of blood in this story.

The changes in the disposition of the tribes, as above narrated, were chiefly effected by Maori modes of warfare, the fire-arms possessed being mainly confined to the north of Auckland, and few in number, as well as inferior in kind.

Enough has been said to show the state in which the Maori lived before Europeans discovered him, and though some of the foregoing pages have dealt with a condition partly due to the introduction of gunpowder amongst a warlike people, the description of that condition has been confined to the intertribal relations over which no Europeans exercised control.

Up to the date of Rauparaha's conquests no white man could reside in New Zealand except on sufferance. An armed ship might destroy canoes or even villages, but on the land the Maori was undisputed master. Though he traded with white men and appreciated their manufactures, he neither owned nor felt a personal inferiority.

It may be convenient now to cast a hasty glance at the nature of the land of the Maoris, and at some of its productions.

<sup>1</sup> I have been assured (1881) by the Bishop of Wellington, Dr. Hadfield, that when in 1840, and subsequently, Rauparaha, then secure in his island home Kapiti, used to discourse on native affairs with him, he could not but reflect, as he saw how the old man guided the movements of the tribes and weighed the consequences of events, that there was before him a man equal in sagacity and eloquence to such personages as Talleyrand or Metternich.



It is a land of mountain and of flood, of everlasting snow, of glaciers, lakes, hot springs, and steep-down precipices out-rivalling Norwegian fiords. It is essentially the land of fern. No part of the islands is far enough from the sea to deprive it of moist influences even in the hottest weather, and the nights are cool.

Containing about a hundred thousand square miles, the three islands stretch nearly from the thirty-third to the forty-fifth parallel of south latitude, trending westward from the thirty-sixth.

Cook's Straits divide the Northern (Te Ika o Maui) from the Middle Island (Te wai Pounamu, the water of the green-stone), at the thirty-ninth parallel, while the small Southern (Stewart's) Island (Rakiura), is separated by Foveaux Straits from the south end of the Middle Island. The Northern Island contains about forty-six thousand square miles, the Middle about fifty-seven thousand, while Rakiura is limited to less than sixteen hundred.

Mountains rib the Middle Island from north to south, frowning precipitously on the west coast, and declining more gradually to the east. In the Northern Island Mount Egmont, near Taranaki, towers more than eight thousand feet, while in the Middle Island numerous peaks shoot higher far, and Mount Cook rears his hoary head more than thirteen thousand feet in air.

Frowning towards the west coast in steep-down precipices the mountain range, which includes the granite masses of Mount Cook, forms fiords which have been pronounced equal to those of Norway in grandeur and surpassing them in beauty. Milford Sound, the most celebrated of them, was early chosen as a place of call by steamers carrying pleasure-seekers.

The tourist who wanders inland to see the attendant glories of Mount Cook, arrives at the glaciers of which he may, at one time, count many, and at the same time see towering above and unintercepted by surrounding hills the gleaming snows of the monarch mountain forming a grander solitary peak than European Alps can show. From a cavern in the terminal moraine of the Tasman glacier, three miles wide and more than twenty in length, issues from the cleft ice the Tasman river with a giant's force, hurling large stones, on the surface of the water,

like feathers, and spitting fragments from the upper part of the ice-cliff like stony hail.

At times an apparently tropical vegetation of ferns and tangled vines may be seen almost overhanging a glacier of purest ice. And the mountain scenery extends far to the north of Mount Cook. Great lakes are found on the eastern watershed. The rivers run eastward principally, and on the east are the most level and inviting lands for colonization. Treeless plains or undulating prairies were found at Christchurch, but the high lands are clothed with dense woods. On most of the open ground fern grew extensively, but was not so luxuriant and had not such exclusive possession in the Middle as in the Northern Island.

Only in the Middle Island, and in few places there, was found the valued green-stone. More than three-fourths of the Middle Island are occupied by mountains. In the North Island about one-tenth of the surface is similarly formed.

Yet the Northern Island is neither tame nor wonderless. From the central plateau, elevated two thousand feet, rise two giant peaks Tongariro and Ruapehu, surrounded by smaller hills called by the Maoris the children of the mountain pair. The fires of Ruapehu, which rises more than nine thousand feet above the sea, and is covered for three thousand feet with snow, are now extinct; but the cinder cone of Tongariro is ever capped with the cloud of steam issuing from active craters near its summit. Beneath the cone thus devoured by fire the cooler shoulders of the mountain sometimes put on their garb of snow.

Lake Taupo, covering more than five hundred square miles, lies at the north, and is fed by the streams which flow from the watershed of the great hills. From the lake flows the Waikato river, towards Orakeikorako, a hot-spring district, and after curving westwards, runs northwards through the great Waikato plain. In a line between Lake Taupo and the ever-active White Island, in the Bay of Plenty, is the Lake district, whither travellers resort to gratify their wonder or restore their health.

The boiling water sends up jets of steam, which are so numerous at Rotomahana (or warm lake), that they heat the waters of the whole lake. From a sulphur pool a hot muddy

stream flows to it at one place. Mud is spouted from rocky pits. A roar issues from one hole which stuns the bystander. Close to a hot mud excretion is found a green stagnant pool of great depth, which is cold.

But the terraces of Rotomahana are its glory. The waters coursing downwards to Rotomahana from their boiling pools, have deposited a fretwork of stone in terraces, on one side of the lake white, and on the other pink. At each the water is of vivid blue. At Tarata, the White Terrace, basins as of alabaster, which enclose the pools in terraces widening as the water descends towards the lake, invite the bather to luxury if he has not been sent there for the medicinal favours they afford. From the rims of the terraces hang delicate stalactites. The rock of silica thus created assumes all forms. The most delicate twig or fibre thrown upon the terrace is petrified in marvellous fretwork. The solid rim which forms the ledge of the pools seems like flint corded in gigantic coils to contain the blue water. Some parts of the terraces are solid, and the traveller pauses, fearful of marring the delicate tracery under his foot. At the Pink Terrace (Tukapuarangi, The Clouded Sky), the colour is not all-pervading, but blushing through the white ground-work. Yet as approached by the lake the colour seems general to the eye.

The charm of so rare a colour in rock extorts the admiration of all beholders, but the more symmetrical widening of each concentric terrace, as the geyser overflow descends to the lake, gives the White Terrace the palm in general effect.

Whatever toil the wanderer encountered in journeying to Rotomahana, even when travelling was attended with difficulty, was amply repaid. At the Pink Terrace the fretwork on which the bather treads is not harsh but soft to the touch, and the sourest valetudinarian is compelled to join in admiration.

The Arawa tribe were proud of their heritage in Nature's freaks of beauty and of wonder, for each of which there was a special and descriptive name.

Travellers from afar did not admire Nature less, but more, because the guides to the lakes were the Maoris.

But ever and anon might be heard, as the European population multiplied, muttered complaints that so rare a treasure

should be held by savages. The Arawa, having been consistently friendly to the settlers, could hardly be robbed as others were who had been in arms against the local forces, or who were connected with those who had thus been in arms.

Some diplomacy was needed. The Government (Mr. Hall's) in 1881 passed a law based on an arrangement made by Chief Judge Fenton (of the Native Land Court), with the Arawa chiefs. A block of land was appropriated for a township at Lake Rotorua, which Mr. Rolleston, the member in charge of the bill, predicted, "would become the sanatorium of the world."<sup>1</sup>

It is not only at Rotomahana and Rotorua that the earth sends forth its steam and geysers. A slightly curving line from Tongariro to White Island in the Bay of Plenty, passes a steam-spouting district, at Orakeikorako, before, extending by Rotomahana and Rotorua, it trends to the bay. The Maori story connects the fires of Whakare (White Island) with those of Tongariro. At Whakare sulphur is found in great quantities.

Westward of the Horotiu or Waikato river is the valley of its confluent, the Waipa, and amongst its mountain feeders are stalactite caves in regions once haunted by the moa.

Volcanic action has not been confined to Tongariro, the isthmus of Auckland being studded with its works, and the land on both sides of Cook's Straits at times throbs with earthquakes. The wide valley through which the Waikato now flows presents in most places a level or slightly undulating sea of pumice. The subsidence of the ashy material in places has created fissures or clefts of various depths at the bottom of which flow running streams, or else is seen a winding narrow swamp through which water sluggishly oozes to join the nearest watercourse.

Volcanic action has left its traces in the south, but it was in times long past, and geologists generally agree that a process of gradual upheaval is taking place throughout the islands.

With a coast-line of three thousand miles, it is not to be wondered at that looking forward to naval pre-eminence the

<sup>1</sup> The passage of the bill afforded a proof of Maori honour. The Arawa had stipulated that the existing private leases granted by them should be respected. As prepared by the Government the bill did not give effect to the stipulation. The Lower House passed the bill; the Upper House amended it so as to confirm existing leases, and the Lower House was fain to accept the amendment.

modern dwellers in New Zealand have caught at the title of "Britain of the South."

The harbours of the Northern Island could accommodate the fleets of nations. The Hauraki Gulf is itself an enormous harbour studded with islands, and the ancient volcano Rangitoto standing opposite the Auckland entrance only adds to its beauty and tranquillity as it leaves a channel on both sides.

The climate of the islands is favourably modified by the ocean. In the north the mean average temperature is said to be  $57^{\circ}$ , in the south  $52^{\circ}$ ; but a difference of more than  $10^{\circ}$  of mean temperature exists between Dunedin and the Bay of Islands.

The indigenous animals were not numerous. The gigantic moa (*dinornis*), more than twelve feet high, has never been seen since the English settled in New Zealand, but the Maoris spoke of its having been hunted in recent times. At first their stories were doubted. Some so-called natural philosophers, having committed themselves to the opinion that the moa must have become extinct in times anterior to modern man, have striven to rebut the evidence of facts. But Maori middens abounding with moa remnants; bones with integuments still clinging to them; feathers and egg-shells; Maori traditions of the habits of the bird, and of the mode in which it was hunted; and Maori memories that even in the 18th century its feathers were worn as ornaments, have commended themselves as satisfactory to common sense. There may be doubters remaining. There is a class of men sceptical as to everything but their own sufficiency to expound how the world ought to have been made.<sup>1</sup>

<sup>1</sup> A philosopher of different order, the truly great but unassuming professor, Richard Owen, was jeered at when in 1839 he deduced from a thigh-bone of a moa a correct idea of the bird. Subsequent discoveries awarded the palm of merit where it was due. Though often told the story may be mentioned. In 1838 a man called upon the professor with a bone which a Maori had told him was the bone of a bird. The man thought it must be an eagle. Astounding as the conclusion appeared, and little as others could credit it, Owen firmly believed that, hitherto unreported, there had been in the small islands of New Zealand a larger bird than the ostrich. In 1839 he published a paper in the 'Transactions of the Zoological Society.' Copies were sent to New Zealand. The good Chief Justice Martin (a friend of Owen's) promoted search. The missionaries aided in it, and in 1842 various bones were sent to England by William Williams

New Zealand was meagre in its fauna. Fish were abundant, and the enormous quantities of pipi (bivalve) shells, scattered wherever Maoris have dwelt, attest the extent to which the Maori was sustained by shellfish.

Assuming the truth of the Maori tradition that the dog and rat were imported by the Arawa and her sister canoes—and in this instance the pretensions of speculators agree with tradition—the only indigenous mammals in New Zealand were two kinds of bat. Of these one is said to be allied to a bat in Australia, the other to be of a genus peculiar to Maoria, but related to bats in South America.

The gigantic moa was not the only apteryx in the islands. The kiwi, of which there are several varieties, was found in both. Though the bird is not larger than a common fowl, the egg is five inches long and nine in circumference.

A gigantic rail, the weka, is nearly as large as the kiwi. There are two migratory cuckoos, whose path through air philosophers find it as difficult to account for as that of the Maori by water. There are owls of a kind not elsewhere found. There are parrots and honey-suckers. There are, of course, various wild ducks and cormorants, but there were no swans. The huia, of which the chiefs wore the feathers, was found only in special districts, and was of the order called *Upupidae*. The tui, or parson-bird of Captain Cook, one of the songsters of the island, was a delicacy prized by Maoris. It was more often noticed than many New Zealand birds, which, from the nature of the forests, it was difficult to see. Wherever there was forest there was also dense undergrowth, intertwined with tangled vines and fern-trees. In the Northern Island the luxuriance of the tall, common ferns also screened small birds from observation. The number of species of birds, supposed a few years ago to be limited to about eighty, has recently been stated to be one hundred and forty-nine.<sup>1</sup>

The existence at Norfolk Island of more than one species of bird found in New Zealand has given rise to conjectures

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(afterwards Bishop of Waiapu). Before long Professor Owen had completely restored fifteen species of the Dinornis. *Vide* 'Royal Colonial Institute Proceedings,' 1878-9.

<sup>1</sup> 'Transactions of New Zealand Institute,' 1873 vol. v., p 206.

as to the manner in which the feathered population found its way to the latter. It is known that though Norfolk Island when discovered by Cook was uninhabited by men it had not always been unpeopled, for when Englishmen went there in the last century they dug up many stone implements, and the Governor (King) was told by two New Zealand chiefs, who were eye-witnesses with him, that the implements were exact counterparts of those made by their countrymen. A curious speculator might suggest that the migrating Maoris had once paused at Norfolk Island, placed as it is at easy distance from Te Ika o Maui. The existence of the New Zealand flax, found only in New Zealand, Norfolk Island, and at the Chatham Islands, might supply facts for a theory more easily defended than many which are confidently put forward.

Of reptiles there was a scarcity in New Zealand. No snake of any kind was found. There were a few species of lizard. One of them (*sphenodon punctatum*<sup>1</sup>) has not been found elsewhere. The Maori regarded it with horror, and the sight of any lizard was deemed an ill-omen; yet no Maori would ill-treat the creature. The mere sight of the kakariki (*Naultinus elegans*, a small, green lizard) was a prognostic of death. An Atua, or spirit, was supposed to dwell in or to actuate it. If the animal emitted its usual sound the native felt that death was in the air. A carving on a Maori tomb has borne the effigy of the dreaded reptile. For a long time it was supposed that frogs were not indigenous, but in 1852 some were exposed by gold-miners at Coromandel.

Eels were abundant, and, with the numerous fish of the sea, entered largely into the diet of the people. Cray-fish abounded both in fresh and sea-waters. The frost fish, prized as a delicacy by colonists, was a favourite with the Maori. Not caught with net or line it often makes for the shore in winter, and, with head erect, flings itself upon the beach, where it is picked up by watchers or passers-by.

The flora of New Zealand, like the fauna, presented a distinctive character, though estimated to contain about two thousand species. More than five hundred are peculiar to the

<sup>1</sup> Various naturalists have given various names to this lizard. I have quoted a name to which two learned men have agreed.



islands. None of the trees are deciduous. The crowning glory of vegetation is the kauri pine (*Dammara Australis*), of which shameful waste has been made, not only by destroying without planting but by reckless burning. The procurement of spars of this tree was one of the earliest motives for visits of European ships. It abounded in the North Island, but was not found south of the Bay of Plenty on the east nor of Kawhia on the west coast. The exuding gum became an article of commerce, and, hardened into a substance like amber, was dug up in great quantities on the sites of perished forests. The kahikatea, or white pine (*podocarpus excelsus*), was more widely distributed throughout the islands, and has supplied the saw-mills of Europeans in both. The rimu, or red pine (*dacrydium cupressinum*), is one of the most beautiful of trees. Its pendulous delicate foliage arrests the wonder of the dullest observer. All these trees attain a height of nearly two hundred feet. The tōtārā (*podocarpus totara*), of less height, furnishes most valuable timber, and the Maoris made their war-canoes of the largest specimens in olden time.

The Rata (*metrosideros robusta*) is, however, the apparent monarch of the forest; an honour which it attains by the arts of the parasite, who supplants his benefactor. At first a tender climbing thing, it attaches itself to the rīmū or some other tree, and sends down trailing cords, which root themselves at the base. Then it clasps the doomed stem with bonds which strengthen with years and at last envelope the hidden trunk. Exalted in air it spreads its leaves on high, and spangles the forest with a blaze of red flowers. Another tree of the same genus, the Pohutukaua (*metrosideros tomentosa*), stands on its own merits. It is called the Christmas Tree by colonists, as its red luxuriance flushes its ample boughs at the end of December. Gnarled alike in root and trunk and branch, it affords hospitable shade on the rocky shore of the sea, and thence derives its Maori name, which means "spray-sprinkled." It abounds only in the Northern Island, and its strong timber is of value for the knees of ships. The fact that it grows on the shores of Lake Tarawera has persuaded one scientific person that the sea once made incursions to that spot.

The puriri (*vitex littoralis*), allied to the teak of the East



Indies, possesses valuable properties, and after inearthment of forty years, posts have been found sound under the soil. It also confined itself to the Northern Island, and the Maoris devoted great labour in carving ornamented boxes out of it. Various kinds of beech adorn the woods.

It was not only from trees of the forest that the Maori derived assistance. They supplied him with gigantic trunks, of which his canoes were made; with the solid posts of his houses and of his fortifications. The raupo (*typha angustifolia*), a great bulrush, and other rushes, furnished material for the sides and roof of his whare. The root of the raupo supplied a substance of which he made a rough kind of bread.

To diversify the scene, shrubs, such as Veronica, Pittosporum, Clianthus, and many others, as well as fern-trees, and a palm tree (*areca sapida*), and several racænæ, were scattered widely in the belts of forest which skirted the rivers, hung thickly on the hills, filled most of the gorges and ravines, and were occasionally found in patches amidst great plains or rolling downs, where common fern held almost undisputed sway.

The Hārākēkē (*Phormium tenax*), or New Zealand flax, which was indigenous only in New Zealand, Norfolk Island, and the Chatham Islands, was almost as useful to the Maori as the edible fern. With it he made the ropes which bound the walls and roof of his dwelling. Of it he made his garments and baskets. From its flowers he obtained a liquid like honey. The dried flower-stems he used for fuel when, as was often the case amid undulating fern-plains or swamps, no wood could be procured. The root provided a purgative medicine.

The plant most infamous in the eyes of colonists was the Kārčāo, or supplejack (*Ripogonum parviflorum*). Trailing widely, and climbing to the tops of shrubs and trees, it made a passage through the forest almost impossible for a European. The unclothed Maori found it easier to escape its toils; and in binding together his palisading and fences it was invaluable.

It is unnecessary to describe further the productions of the islands. The reader who desires more information may obtain it in works on natural history, or in Taylor's 'New Zealand and its Inhabitants,' where the assiduous investigations of a life are gathered together.

an eclipse which attracted attention, and when it was determined to send an expedition to the Pacific to observe the transit of Venus in 1769, Cook, who had won the esteem of Lord Colville, who commanded the North American squadron in the war, was selected as the commander of the 'Endeavour,' a vessel of 370 tons. Sir Joseph (then Mr.) Banks, Dr. Solander, and other men of science accompanied him, and the required observations were duly made at Tahiti (called by him Otaheite).

Inducing a native named Tupia to go with him, Cook sailed in search of new lands, and on the 6th October, 1769, saw land of which he said, "the general opinion seemed to be that we had found the *Terra Australis Incognita*."

He anchored at Turanga, on Sunday the 8th of October, and landed with Sir Joseph Banks and a party of men. He saw a palisading encompassing the crown of a hill; houses which "appeared small but neat;" and men in canoes, as well as gathered on the shore. He crossed a river to speak to some of them, and they ran away. But four others rushed from the woods to attack the boys left in his boat. The pinnace was at the river's mouth, and the coxswain called to the boys to drop down the stream. They did so, but were pursued. The coxswain fired twice over the Maoris' heads. At first they stopped and looked round them, but renewed the chase, and as one of them was about to launch his spear against the boys, a shot was fired which killed him. His companions, petrified for some minutes, dragged the body some distance and then fled.

Cook turned back at the sound of the firing, and saw the body of the man thus slain on the Sunday on which the white man first set foot in the islands.

Brown, but not very dark, in complexion, tattooed on one side of the face, clad in a mat of fine texture, the victim lay dead, shot through the heart.

Cook returned to his ship. The natives were heard talking earnestly and loudly in the night.

In the morning Cook took another armed party on shore. Maoris sitting down on the opposite side of the river seemed to await him unarmed. He, Sir J. Banks, Dr. Solander, and Tupia approached the river. They started up, each with a short weapon made of green-stone. Tupia spoke to them in

his language. They flourished their weapons and made signs to the invaders to depart.

A musket was fired wide of them. The ball struck the water. "They saw the effect and desisted from their threats; but we thought it prudent to retreat till the marines could be landed." The marines being drawn up, Cook with his officers and men advanced. Tupia again spoke, and Cook was pleased to find that "he was perfectly understood, he and the natives speaking only different dialects of the same language."

Cook offered iron in exchange for food and water. Tupia endeavoured to explain what iron was.

They said they would trade, and invited the Englishmen to cross the river. Cook consented to do so if they would put away their arms. They refused. Tupia warned Cook that he must be on his guard as they were unfriendly.

Cook asked them to cross the river, and after some delay one of them threw off his mat-dress and swam to the Englishmen. Two others followed, and then twenty or thirty armed men joined them.

Cook gave them iron and beads, and they gave him feathers. They knew not the use of iron, but wished to make an exchange of arms, and "when we refused made many attempts to snatch them out of our hands."

Tupia still urged Cook to be wary, and was told to warn them that they would be killed if they offered violence.

One of them snatched an officer's hanger and waved it in exultation, while his comrades became more insolent than before. Sir Joseph Banks fired at the boaster with small shot. This stopped his shouting, but he retreated flourishing the hanger still. Mr. Monkhouse, the surgeon, shot him dead. His comrades, who had previously retreated, rushed up to secure his "mere," or green-stone weapon, and Mr. Monkhouse barely succeeded in preventing them from carrying off the hanger also. Small shot were fired at them and they swam away.

Cook designed to surprise some of them, and by treating them kindly "to establish by these means an amicable correspondence with their countrymen."

He waylaid two canoes with his boats, but one escaped by rapid paddling. The other sailed unwarned into the midst of

the boats; and then descrying the danger the Maoris struck their sail and plied their paddles so vigorously that they outran the clumsy boat. Tupia called to them in vain. A musket fired over their heads made them stop, not to surrender but to fight. With paddles and stones they resisted so stubbornly that Cook was constrained to fire upon them.

"Four," he says, "were unhappily killed, and the other three who were boys, the eldest about nineteen and the youngest about eleven, instantly leaped into the water. . . . I am conscious that the feeling of every reader of humanity will censure me for having fired upon these unhappy people, and it is impossible that upon a calm review I should approve it myself." He pleaded that the nature of his services required him to obtain a knowledge of the country and that his intentions were not criminal; that he did not expect such a contest, and that when the command to fire has been given no man can restrain its excess or prescribe its effect.

The three boys when dragged into the boat sat down expecting death. Treated kindly they became cheerful and accepted food. At night, however, they were heard to sigh "often and loud." Tupia consoled them.

In the morning they were well fed, dressed in European clothes and adorned with bracelets and necklaces. They seemed overjoyed at the prospect of being restored to their friends, but when Cook approached his first landing-place near the river they said it was in the hands of enemies who "would kill them and eat them." He crossed the river, and, after some internal struggle, not without tears the boys took their leave.

Cook proceeded to shoot wild ducks. A guard of four marines kept watch, and a band of Maoris was descried. Cook determined to retreat to his boats, and was astonished to find that at once "the three Indian boys started suddenly from some bushes and claimed protection," which was accorded to them.

The Maoris mustered to the number of two hundred. Cook, despairing of making peace, and finding that even firearms would not keep them at a distance, resolved to re-embark.

The boys were still with him, and one of them cried out that he saw his uncle among the Maoris. Tupia parleyed with the crowd. The boys exhibited their presents, but would not swim

across the river to their countrymen, nor would their countrymen go to the boys.

Near Cook and his men was the body of the man shot by Mr. Monkhouse the day before. The boys spied it and covered it with the clothes which had been given to them. Then the uncle of the youngest boy Maragovete swam over with a green branch which Tupia received as an emblem of peace. Presents were given to him, but he declined to go to the ship.

To Cook's surprise the boys still clung to his party as they returned on board.

Maragovete's uncle was then seen to pluck another branch, and with much ceremony to approach the dead body covered with the boys' clothes. The branch was thrown to the body, and the thrower returned to his companions who were seated on the sand. After an hour's conference the body was removed. In the afternoon Tupia ascertained that the boys were willing to be landed, and they were sent on shore, but the boat had no sooner put off for the 'Endeavour' than they waded into the water entreating to be received. The two midshipmen who had charge of the boat obeyed their orders and left the lads on the shore.

From the ship Cook saw that a Maori went across the river with a raft and took the boys to an assembly of forty or fifty men, where they remained till sunset. Then the meeting dispersed; the boys went to the beach, waved their hands three times towards the 'Endeavour,' and ran nimbly back to their countrymen who walked leisurely away. As the lads still wore the clothes given to them Cook trusted that no mischief would happen to them.

On the 11th October Cook sailed away from what, as an "unfortunate and inhospitable place," he called Poverty Bay. He had only procured a little wood there.

With the brave Rongowhakaata tribe he had failed in establishing satisfactory relations.

Sailing southwards he coasted the territory of the Ngatika-hungunu. He often named places after those who first espied them, and as Nicholas Young, a boy, first descried New Zealand, Cook called the south-west point of Poverty Bay, Young Nick's Head, a name which still appears in maps.

Occasionally Maoris were induced to go on board the 'Endeavour,' and Tupia heard them assuring their companions that the Englishmen did not eat men.

Once three Maoris were left on board, apparently by accident, and were not disconcerted, but "danced and sang, eat their suppers, and went quietly to bed." When the warriors in the canoes appeared to threaten, Tupia explained to them the terrible powers of the weapons of thunder, and Cook displayed them by discharging grape-shot over the sea.

While traffic was going on, Tupia's Tahitian boy, Tayeto, was seized by a Maori and dragged into a canoe which was swiftly paddled away. A marine fired at the crew; a man dropped. The boy, for one moment released from Maori gripe, plunged into the sea. His pursuers desisted when fired at, and the terrified Tayeto was restored to his ship. When he regained his senses he carried a fish to Tupia as a thank-offering to his god (Eatua), and Tupia, commending his piety, told him to put the fish into the sea.

The scene of Tayeto's escape was called Cape Kidnappers to commemorate it. Hawke's Bay was named after the First Lord of the Admiralty.

On the 17th of October Cook ceased to explore to the south, and called a place Cape Turnagain to mark the fact.

His dealings with the Ngatikahungunu had been less disastrous than with their countrymen, but no real confidence had been established.

The Maoris seemed ever prone to war. One chief who went on board at Terakako attracted Cook's admiration by his frank and engaging manners. He remained on board, self-invited and fearless, a whole night, with another chief and three servants.

"We found," Cook wrote, "that they had heard of our kindness and liberality to the natives who had been on board before, yet we thought the confidence they placed in us an extraordinary instance of their fortitude."

At Gable End Foreland two chiefs went on board, and their friendly manner induced Cook to take advantage of the opportunity to fill his water-casks. The shooting at Poverty Bay was known to them, but the Rongowhakaata at Gable End

Foreland were not embittered by it. Sir Joseph Banks wandered about to obtain natural curiosities, and the English were politely shown the houses, the cultivations, the Maori food, and the mode of cooking it. Sir Joseph Banks saw plantations, where, in Cook's phrase, "the ground was as well broken down and tilled as even in the gardens of the most curious people among us." The travellers were startled when they found that "a decent article of civil economy, the privy," unknown in Tahiti, and not introduced at Madrid (Cook believed) until 1760, was used in Maoria. The ground was everywhere clean, each little cluster of houses having its proper appendage, and all offal being placed in a midden.

At Tolago Bay, within the confines of the Ngatiporou tribes, Cook found an excellent watering-place. The inhabitants were friendly. An old chief exhibited the mode of warfare with spear and club, and his savage gestures in striking the mock enemy (a stake) with his patoo-patoo (club), after furiously thrusting at it with his spear, made the English infer that in Maori battles there was no quarter. The demeanour towards the visitors was friendly but confident. The war-dance was performed for their entertainment, and fish and sweet potatoes were exchanged in barter.

On the 30th October Cook left Tolago Bay and coasted to the north, observing much cultivated land and many villages in the Ngatiporou territory. He saw and named East Cape and Hick's Bay. The latter, according to Cook's custom, was called so because Lieutenant Hicks descried it. As he approached the territory of the Whakatohea, armed Maoris, in canoes, put off from the shore in menacing manner, and were only driven away by grape and cannon-shot fired near them as a demonstration. As they fled Cook called the cape near him Cape Runaway. White Island was named on the same day.

On the 1st November forty-five canoes surrounded the ship, and, Tupia having conversed with the natives, barter was commenced; but as the Maoris soon became insolent Cook again displayed the terrors of gunpowder, and was constrained to wound one boastful chief with small shot. The same audacity was shown by all the tribes of the Bay of Plenty. The Ngati-maru, at the North, on one occasion seemed angered at being



fired over, and "they went away, threatening that to-morrow they would return with more force and be the death of us all." . . . "There was some appearance of generosity, as well as courage, in acquainting us with the time when they intended to make their attack, but they forfeited all credit which this procured them by coming secretly upon us in the night." Cook kept a careful watch and the Maoris silently retired. In the morning twelve canoes were brought to the attack, but Tupia's persuasions induced the Maoris to trade. There were more quarrels, terminated as usual by firing and by the retreat of the natives.

On the 4th November Cook landed at Mercury Bay, so called because he there made observations of the transit of Mercury. An old chief, Toiava, visited the 'Endeavour,' and Cook was glad to learn that the Indians had been taught to dread the terrible guns of the white men. Cook, ignorant of the divisions of the tribes, was surprised to find that a great chief, Teratu of whom he had heard in the Bay of Plenty, was not acknowledged at Mercury Bay, and he thought he had fallen upon a band of outlaws.

While Cook was on shore the firing of a ship's gun alarmed him. The second lieutenant, Gore, indignant with a Maori who, while bargaining, retained his own property and carried off the cloth for which he had bartered a mat, fired upon and killed the man in the midst of his defiance. The fleet of boats was dispersed, and tidings were sent to Cook, who was on shore in the company of several Maoris. "Our Indians," he said, "drawing all together, retreated in a body. After a short time, however, they returned, having heard a more particular account of the affair, and intimated that they thought the man who had been killed deserved his fate."<sup>1</sup>

<sup>1</sup> This occurrence was the means of proving beyond doubt the occasional longevity of the Maoris. When Colonel Mundy was in New Zealand, in 1848, he saw an old chief, Taniwha, who spoke of Captain Cook's visit, of which he had a vivid remembrance. His narrative was taken down, in 1852, by Colonel Wynyard, and it confirmed the accuracy of Cook's description.

Taniwha said that when, after the man was shot, the Maoris landed, they consulted over the body, and decided that as the dead man "commenced the quarrel by the theft of the calico, his death should not be revenged, but he should be buried in the cloth which he had paid for with his life."

The old chief Taniwha was ever friendly to the English, and fond of



During the remainder of his stay at Mercury Bay Cook maintained friendly relations with the natives. He visited their pahi and admired the skill with which they were fortified. Old Toiava told him that he must guard himself in his pah, because the friends of the man shot by Mr. Gore had threatened to revenge themselves upon Toiava as a friend of the English.

Before leaving the bay Cook cut upon a tree the name of his ship and of her commander, with the date of her visit, and, after displaying the English colours, took "formal possession" of the land "in the name of His Britannic Majesty, King George the Third." On the 15th November, 1769, he departed.

With similar results, continually firing small shot at the Maoris when they were inclined to be insolent, and by means of Tupia's persuasions inducing them afterwards to trade, Cook named Cape Colville and the River Thames, which he surveyed carefully. Cape Brett he named after Sir Piercy Brett.

At the Bay of Islands he saw the great Ngapuhi tribe, whom he found and whom he treated like the rest of their countrymen. He thought their appearance superior. Their canoes were well carved, the chiefs wore the best mat cloth he had seen, and the

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repeating that Captain Cook had kindly placed his hands on the children's heads.

If, as was supposed, Taniwha was at least ten years old in 1769, he was ninety-three when he gave his narrative to Colonel Wynyard; yet the latter said "his faculties were little impaired, and his great age perceptible more from a stoop and grey hairs than any other infirmity."

Colonel Mundy, in 1848, saw Taniwha excited by the sight of single-stick exercise. He capered round the combatants, and hobbled away to procure a staff about six feet long. With this he undertook to contend with one of the Englishmen.

"The octogenarian gladiator commenced operations by a most grotesque war-dance, accompanying his movements by a monotonous, croaking song, wielding his staff in exact measure with his chant, and gradually nearing his opponent, who on his part stood firm, with his eye fixed on that of his adversary, but with a careless guard. From the manner in which the old man held his staff we all imagined that his visitation would be in the shape of the broad-sword exercise, when suddenly, and with a vigour of which he seemed quite incapable, old Taniwha, elongating his left arm and sliding the hani through the same hand, gave his opponent the point, the stoccato alighting on his ribs with an emphasis quite sufficient to prove that had the tourney occurred twenty years ago and been *à outrance* the white knight would have been done brown and supped upon."—'Our Antipodes,' by Lieutenant-Colonel G. C. Mundy. London, 1855 (Bentley).

tattooing seemed of the highest order. As usual, the final solution of a trading difficulty was a shot. But Cook was careful to show that he desired to be just. At one place where the natives seemed peaceable and presented themselves unarmed, three sailors broke into a plantation and dug up some sweet potatoes. Cook ordered them to be flogged, giving severer punishment to one of them for insisting that an Englishman committed no crime in robbing an Indian.

In the Rarawa territory Cook found that the fame of his guns had preceded him. He named the North Cape, saw Tasman's Cape Maria Van Diemen, and the Three Kings, where he encountered severe weather in the end of December, and keeping farther from the shore than had been his wont on the east coast, he saw a high mountain (Taranaki), greatly resembling the Peak of Teneriffe. This, on the 13th January, he called "Mount Egmont, in honour of the earl."

He then bore off until he saw the northern end of the Middle Island, near the spot where Tasman had failed to open negotiations with the Maoris and had been attacked. Their descendants, clad like their forefathers, as described by Tasman in 1642, with four canoes at once assailed the 'Endeavour' with stones. Tupia spoke to them, and an old chief, in spite of remonstrance from his comrades, went on board. He was kindly received and loaded with presents. When he returned to his canoe the Maoris danced, but "whether as a token of enmity or friendship we could not exactly determine, for we had seen them dance in a disposition both for peace and war." Finding himself only a few miles from the scene of Tasman's encounter, Cook directed Tupia to inquire if any tradition of Tasman's visit had been preserved, but could hear of none. He did ascertain that cannibalism was practised, but only on the bodies of enemies killed in battle. The Maoris affected no secrecy on the subject, and Sir Joseph Banks was permitted to purchase the preserved head of one slain enemy. On the whole, Cook's relations with the Maoris at this place were friendly, although an officer, apprehensive of an attack, fired upon some unoffending natives.

On the 30th January, 1770, the inlet at which the 'Endeavour' was anchored was called Queen Charlotte's Sound. The Union

flag was hoisted, and Cook took formal possession of "the adjacent country in the name and for the use of His Majesty, King George the Third."

He observed the appearance of a strait between the North and Middle Islands, and an old chief told him that it existed; the name of the North Island being Eaheinomaue;<sup>1</sup> that of the Middle Island, Tovy Poenamoo,<sup>1</sup> or "the water of green talc." With his small ship Cook entered the strait now known by his own name, and after naming Cape Palliser on the north, and Cape Campbell on the south of the strait, he sailed northwards until Cape Turnagain was in sight. "I then called the officers upon deck," he says, "and asked them whether they were not now satisfied that Eaheinomaue was an island; they readily answered in the affirmative, and all doubts being now removed we hauled our wind to the eastward."

Captain Cook did nothing by halves. He determined to survey the Middle Island. On the 14th February he was off Kaikora. He found the natives on the coast very different in demeanour from those of the North Island. They kept aloof in wonder. They never attacked the voyagers. When closely approached they paid little attention to the 'Endeavour.' A few, induced by Tupia's eloquence, went confidently on board. Banks' Peninsula, Cape Saunders near the modern Otago, the South Cape in Rakiura (or Stewart's Island), Dusky Bay, and the West Cape had all been named by the 15th March.

The land rose perpendicularly from the sea to a stupendous height; the mountain summits were covered with snow.

Cascade Point was named on the 16th March, Rock's Point on the 23rd. On the 27th Cook had circumnavigated the islands and reached Admiralty Bay. There he filled all his water-casks.

On the 31st he sailed from Admiralty Bay, "giving the name of Cape Stephens to the north-west point, and of Cape Jackson to the south-east, after the two gentlemen who at this time were secretaries to the Board" (of Admiralty).

<sup>1</sup> Cook did not spell the Maori words in the manner afterwards adopted. The appellation of the North Island as given him at Queen Charlotte's Sound, Te hinga o Maui, was "the fishing of Maui," and was another name for Te Ika o Maui, the fish of Maui, usually given to the North Island.

shore with sixty men, obtaining kauri timber. Gallantly he withdrew his men, though pressed upon by a crowd of Maoris, who shouted that a chief, Tacouri, a relative of the kidnapped Naginouï, had eaten Du Fresne. Crozet cautiously embarked his men in a boat, and then into the thick ranks of the Maoris poured a murderous fire; and for several days destroyed all Maori life and property within his reach. He desired to call the Bay of Islands the Bay of Treachery; but Cook's name prevailed. Marion had taken upon himself to call the northern island 'France Australe' with equal failure. Long years afterwards an Englishman heard by chance the Maori version of the death of Marion du Fresne. It was remarkable that the wreck of a French corvette enabled him to hear it.

In 1851 Sir George Grey, the Governor, sent Dr. Thomson, of the 58th regiment, to assist in forwarding some shipwrecked Frenchmen from the west coast to Auckland. They had been wrecked about fifty miles from the scene of Marion du Fresne's exploits and death, but on the opposite coast. Two hundred natives were assembled to assist the French, who numbered about one hundred. At night Dr. Thomson heard the Maoris tell the tale of Marion du Fresne's death. When the French were about to depart they violated sacred places, cooked food with tapu-ed wood, and put chiefs in irons. In revenge the Maoris slew and ate the offenders, and the Frenchmen shot the Maoris and burned their villages. Dr. Thomson made further inquiries at the Bay of Islands and satisfied himself that this version of the tragedy was true,<sup>1</sup> and that Maori superstition made it imperative on the islanders to revenge the insults to their law to avert the wrath of their gods. In 1820 Captain Cruise (14th Regiment) heard a similar story. Korokoro minutely told how Marion's men were massacred in revenge for the burning of two villages.<sup>2</sup>

Crozet left on record a high testimony to Cook's accuracy. As soon as he procured Cook's chart he compared it with his own. "I found it to possess an exactness and minuteness which

<sup>1</sup> 'Story of New Zealand,' A. S. Thomson, Surgeon-Major, 58th Regiment. John Murray. London, 1859.

<sup>2</sup> 'Journal of a Ten Months' Residence in New Zealand' (R. A. Cruise), p. 47.

astonished me beyond all expression. I doubt whether our own coasts of France have been delineated with more precision."

Again Captain Cook entered upon the scene, and again bloodshed befouled it, under his comrades, though not by his command. In 1772 he in the 'Resolution,' 462 tons, and Captain Furneaux in the 'Adventure,' 336 tons, sailed together to search for southern lands. Cook was instructed to be kind to all natives he might encounter. If he could not find land near the South Pole he was, after careful search, to return by the Cape of Good Hope to Spithead. He was empowered to use his discretion as to proceeding northwards at any time for refreshment or refitment. In February the ships parted company, and Cook, having vainly sought to find the 'Adventure,' proceeded on his voyage.

Ice-barriers blocked his course in lat. 67.15 south. He bore away to New Zealand, and entered Dusky Bay in March, 1773, having been one hundred and seventeen days out of sight of land. In the 'Endeavour' he had lost many persons. By scrupulous care he had in the 'Resolution' averted the scourge of navigation—scurvy. Sweet wort and sour krout, ventilation and fumigation, were amongst the weapons with which Cook made Admiralty functionaries wonder at his success. At Dusky Bay he saw and established friendly relations with the Maoris; but he had no Tupia as an interpreter. That faithful companion died at Batavia during the previous voyage.

Cook had five geese on board, and he let them loose at Goose Cove to increase for the benefit of man.

He sailed northwards, and on the 18th May found the 'Adventure' at Queen Charlotte's Sound. Captain Furneaux, having vainly endeavoured to rejoin the 'Resolution,' had borne up for Van Diemen's Land, had obtained wood and water, explored the east coast from Adventure Bay to the Sisters (north of Flinder's Island) without discovering Banks's Strait or Bass's Strait, and then sailed for the rendezvous at New Zealand.

The Maoris were inquisitive about Tupia, and hearing that he was dead, were much concerned, and wished to know whether he had died naturally or had been killed by the English.

Captain Furneaux had avoided quarrels. During the several weeks he had been at New Zealand he had made gardens on shore. Cook did the same, and left them for the benefit of the Maoris, after explaining as well as he could his benevolent intention. He wondered at not seeing the same natives as he had seen there before, and imagined that conquest had expelled them. Without informing the islanders, he put on shore goats and pigs, hoping that they might escape notice until they had multiplied. A ewe and ram put on shore were found dead three days afterwards; killed, it was supposed, by some poisonous plant.

Erroneously concluding that Furneaux's examination of Van Diemen's Land had proved it to be a part of New Holland Cook prosecuted his voyage to the eastward, passing through Cook's Straits on the 7th June. After cruising in the Pacific, he returned to New Zealand on the 21st October, carrying pigs, fowls, seeds, and roots for the Maoris. On board the 'Adventure' was Omai, a native of the Society Islands. Another, Heete Heete, was in the 'Resolution.'

At Black Head, between Cape Kidnappers and Cape Turnagain, Cook presented to a chief (in what was the country of the Ngatikahungunu in 1840) pigs, fowls, "wheat, beans, peas, cabbage, turnips, onions, parsnips, and yams, &c.," obtaining a promise that the animals should be permitted to multiply.

A great change had been wrought in three years. The value of iron had been learned. Nails, formerly despised, were greedily clutched at. The guns of the English had inspired respect. The Maoris now said, "We are afraid of the guns."

In stormy weather the ships were again parted. Cook in the 'Resolution' reached the rendezvous at Queen Charlotte's Land, and there saw several Maoris with whom he had made friends in 1770. The potatoes had been looked after, but otherwise the gardens had been neglected. A pig had been caught, and was very tame. Reassured by this fact, Cook distributed more pigs and fowls.

Before he sailed away on the 23rd November, his comrades endured a moral lesson from Heete Heete,<sup>1</sup> a native

<sup>1</sup> Cook called the young man Oedidee at first, but on taking him back to his home found that Heete Heete was his right name.

of Bora Bora, one of the Society Islands. The lad had joined Cook's ship in September. Returning on board with Heete Heete on the 23rd November, 1773, Cook found that one of the officers had bought a Maori head on shore. There had been tribal fighting. The English officers had a Maori on board broil and eat flesh taken from the head. Cook's horror was overcome by shameful curiosity, and he ordered a piece of flesh to be broiled, and saw it eaten. "Heete Heete was so affected with the sight as to become perfectly motionless, and seemed as if metamorphosed into the statue of Horror. It is utterly impossible for art to describe that passion with half the force that it appeared in his countenance. When roused from this state by some of us he burst into tears; continued to weep and scold by turns; told them they were vile men; and that he neither was nor would be any longer their friend. He even would not suffer them to touch him; he used the same language to one of the gentlemen who cut off the flesh; and refused to accept or even touch the knife with which it was done. Such was Heete Heete's indignation against the vile custom; and worthy of imitation by every rational being."

It was well that Heete Heete was on board to teach such a lesson. He had not at first been able to converse as freely as Tupia with the Maoris; but in two or three weeks had mastered the differences between the languages of Bora Bora and New Zealand.

Burying a bottle to inform Captain Furneaux of his movements, Cook again passed between the North and Middle Islands and sailed in search of a southern continent. Again he strove to pierce through the regions where ice stands thick-ribbed and rearing its pinnacles like mountain steeps. At 71.10° of south latitude he was finally repelled on the 30th January, 1774. Heete Heete (of whom Cook published a portrait) survived the polar privations, and returned with Cook to his native land. He was anxious to go to England, but Cook would not promise that he could return. The love of country strove with friendship. "I have not words," Cook wrote, "to describe the anguish which appeared in this young man's breast when he went away. He looked up at the ship, burst into tears, and then sunk down in the canoe. . . . He was a



youth of good parts, and, like most of his countrymen, of a docile, gentle, and humane disposition."

On the lurid horrors of Maori cannibalism the conduct of the untutored lad from Bora Bora casts a gleam which justifies a glance at his portraiture by Cook.

Many of the great navigator's numerous discoveries in the Pacific, inclusive of New Caledonia and Norfolk Island ("named in honour of the noble family of Howard") were made before he returned to New Zealand in October, 1774.

Meantime the consort ship, the 'Adventure,' under Captain Furneaux, had been in perils of the sea, and her commander had suffered a fatal collision with the Maoris, in which he lost the whole of a boat's crew. The 'Adventure' was run on shore near Cape Palliser, on the 4th of November, 1773, while Cook, at anchor in Queen Charlotte's Sound, waited for her. Captain Furneaux, despairing of safe passage through Cook's Straits, went to Tolago Bay to obtain wood and water. His crew were weary, and his decks leaky. After battling with adverse winds he succeeded in reaching Queen Charlotte's Sound on the 30th November, a few days after Cook's departure.

He saw a direction to dig under a carved stump of a tree, and in a buried bottle he found a letter telling him that Cook would wait a few days at the entrance of the Straits; but it was nearly a month before Furneaux contrived to obey orders, although he declared that he "set about getting the ship ready for sea as fast as possible."

On the 17th December, having refitted and taken in wood and water, he sent his large cutter on shore at Grass Cove with a boat's crew under a midshipman named Rowe, to "gather wild greens," and return the same evening. On the 18th the 'Adventure' was to sail.

The boat did not return. In the morning Mr. Burney, second lieutenant, with a boat's crew and ten marines, went in search of their comrades — two midshipmen, a quarter-master, four forecastle men, two men of the after-guard, and the captain's man.

Late at night Mr. Burney returned with a tale of horror. Maoris had waved to him to depart; but he continued searching from cove to cove, firing guns to attract the attention of the



missing crew. Near Grass Cove some Maoris fled from the shore, and Burney found in their deserted canoe some clothing recognized as having belonged to one of the lost midshipmen. In Maori baskets Mr. Burney soon found human flesh, and the hand of one of the forecastle men was known.

Burney advanced. In Grass Cove he saw several canoes, and a crowd of Maoris retreated to a small hill, hallooing to the Englishmen to land. Burney reserved his fire until near the natives. "The first volley did not seem to affect them much; but on the second they began to scramble away as fast as they could, some of them howling. We continued firing as long as we could see any glimpse of them through the bushes. Amongst the Indians were two very stout men, who never offered to move till they found themselves forsaken by their companions, and then they marched away with great composure and deliberation; their pride not suffering them to run." Burney thought there were from 1500 to 2000 Maoris gathered together for their inhuman feast or triumph.

On the beach were the remnants of the carnage of the previous day. Fragments of flesh were scattered about, and dogs were gnawing them. Horror-struck, Burney, enraged as he was, reflected that "killing some more of the savages" was "poor satisfaction," and returned to the ship carrying with him the head of the captain's servant, and three recognized hands of the midshipmen. These, with other remains, were duly buried after the manner of sailors.

Furneaux was "not inclined to think there was a premeditated plan of these savages. . . . It might probably happen from some quarrel which was decided on the spot."

Conjecturing that none of the missing men could be left alive, Furneaux<sup>1</sup> sailed away on the 23rd December, 1773, having seen no more of the Maoris. When Cook re-appeared at Queen Charlotte's Sound in October, 1774, the Maoris at first fled from him. "The moment we landed they knew us. Joy then took the place of fear, and the rest of the natives hurried out of the woods and embraced us over and over again,

<sup>1</sup> In a narrative, usually accurate, the loss of the boat's crew has been erroneously described as having happened to Captain Cook. It is therefore proper to state the facts.

leaping and skipping about like madmen; but I observed that they would not suffer some women, whom we saw at a distance, to come near us."

On the 26th October "our good friends the natives having brought us a plentiful supply of fish, afterwards went on shore to the tents and informed our people that a ship like ours had been lately lost in the Strait; that some of the people got on shore; and that the natives stole their clothes, for which several were shot; and afterwards when they could fire no longer, the natives having got the better killed them with their Patoo-patoos and ate them; but they themselves had no hand in the affair, which happened on the other side of the Strait."

These and other stories alarmed Cook, who could not but fear that the 'Adventure,' ordered to join him at the Sound, was the lost ship.

He had not now his former faithful interpreters, but many Maori words were known to himself. Cook questioned the story-tellers: "I endeavoured to come at the truth by every method I could think of. All I could get from them was 'Caurey' (Kahore, as now written), 'No;' and they not only denied every syllable of what they had said on shore, but seemed wholly ignorant of the matter; so that I began to think our people had misunderstood them, and that the story referred to some of their own people and boats."

Subsequently a chief, Matahouah (called Pedro by the sailors)—"of fine person and good presence," told Cook that the 'Adventure' had arrived soon after the departure of the 'Resolution,' had stayed between ten and twenty days, and had been gone ten months; and that neither she nor any other ship had been wrecked on the coast. Cook's anxiety was thus set at rest with regard to his comrades. His own stay was characterized by the utmost friendliness; and he thus spoke of the Maoris: "Notwithstanding they are cannibals, they are naturally of a good disposition, and have not a little humanity."

The immediate cause of the slaughter of the 'Adventure's' men was not then discovered.

The fact observed by Cook when he returned—that the women were not allowed to approach the English—seemed to indicate that the 'Adventure's' crew, by their demeanour to the women,

had given offence. Or it might be that sin against the law of tapu; desecration of holy ground; removal of some cherished heirloom temporarily suspended, or some other sin so easy of committal by those who did not know the law, might have provoked the islanders. But there was no clue to the mystery.

Cook had spent Christmas at Christmas Sound in Terra del Fuego, and made further exploration in the Southern Ocean before on reaching the Cape of Good Hope (22nd March, 1775) he found a letter left for him by Captain Furneaux to inform him of the slaughter of ten of the 'Adventure's' best men at Grass Cove.

Great honour was paid to him at home for having (as was stated in a paper before the Royal Society, 30 Nov., 1776) "under Divine favour, with a company of 118 men, performed a voyage of three years and eighteen days throughout all the climates from 52° North to 71° South with the loss of only one man by sickness."

He received Sir Godfrey Copley's "medal, with his unperishing name engraved upon it." . . . "If Rome" (said Sir John Pringle, the President of the Society) "decreed the civic crown to him who saved the life of a single citizen, what wreaths are due to that man, who, having himself saved many, perpetuates in your 'Transactions' the means by which Britain may now on the most distant voyages save numbers of her intrepid sons, her mariners, who braving every danger, have so liberally contributed to the fame, to the opulence, and to the maritime empire of their country!"

Cook received an appointment at Greenwich Hospital, but immediately relinquished it to undertake another voyage with the ships 'Resolution' and 'Discovery' in 1776.

He was instructed to search for islands in 48° South latitude, said to have been discovered by the French, and to proceed (touching at New Zealand if he thought fit to do so) by Tahiti or the Society Islands, and thence northwards to latitude 65° North to find, if possible, a passage from the Pacific Ocean to the North or Atlantic Sea.

In July, 1776, he sailed. In December he examined Kerguelen's Land, discovered by Kerguelen in 1772.

On the 24th January he sighted Van Diemen's Land, and

while obtaining wood and water at Adventure Bay received a friendly visit from eight native men and a boy, whose woolly hair surprised him.

On the 12th February he anchored at his old station, Queen Charlotte's Sound, in New Zealand. He had with him Omai, a native of the Society Islands, who had been taken to England by Captain Furneaux in the 'Adventure,' and was returning with Cook to his own country.<sup>1</sup>

At first the Maoris would not go on board Cook's ships. He thought they feared that he would avenge the deaths of the 'Adventure's' boat's crew. Cook, through Omai, persuaded them that they had nothing to fear, and they cast away their distrust. He himself was studious in taking increased precautions. No boat was allowed to go far from the ship without a trustworthy officer and sufficient arms. He observed also that the Maoris always piled their arms so that they could lay hold of them in a moment.

The sailors had conceived a dislike to the Maoris, and on this occasion did not visit their houses. A chief, Kahoorā, was pointed out to Cook as the man who had led the attack on the 'Adventure's' boat. Some of the Maoris urged Omai to persuade Cook to kill Kahoorā, whom they rather feared than liked. They were surprised to find that Cook thought such revenge improper.

One day he visited Grass Cove and saw his old friend the chief Matahouah there. Many natives kept aloof, but Cook established friendly relations with the chief and a few others. Cook inquired about the massacre, and was informed that the quarrel arose about thefts in which the natives were detected. There were various accounts, but all agreed "that there was no premeditated plan of bloodshed, and that if the thefts had not been unfortunately too hastily resented, no mischief would have happened."

Kahoorā several times went on board Cook's ship. Omai

<sup>1</sup> He had been introduced by Lord Sandwich to the King at Kew. He was highly esteemed by Sir Joseph Banks and other distinguished persons in England. He had rendered himself (Cook declared) acceptable to the best company. He was caressed by all; but he desired to return to his native island, Ulietea.

threatened to kill him on the third occasion. Kahoorā heeded him so little that he returned the next day with his family. Omai took him to the cabin and said to Cook, "There is Kahoorā, kill him." As Cook did nothing, Omai said, "Why did you not kill him? You tell me that if a man kills another in England he is hanged for it. This man has killed ten, and yet you will not kill him, though many of his countrymen desire it, and it would be very good." "Omai's arguments, though specious enough, having no weight with me, I desired him to ask the chief why he had killed Captain Furneaux's people. At this question Kahoorā folded his arms, hung down his head, and looked like one caught in a trap, and I firmly believe he expected instant death. But no sooner was he assured of his safety than he became cheerful. He did not, however, seem willing to give me an answer to the question till I had again and again repeated my promise that he should not be hurt. Then he ventured to tell us that one of his countrymen having brought a stone hatchet to barter, the man to whom it was offered took it, and would neither return it nor give anything for it; on which the owner of it snatched up the bread as an equivalent and then the quarrel began. The remainder of Kahoorā's account of this unhappy affair differed very little from what we had before learnt. He mentioned the narrow escape he had during the affray, a musket being levelled at him which he avoided by skulking behind the boat, and another man close by him was shot dead." Kahoorā then attacked the midshipman in command, who fought with his hanger till overpowered by numbers. Kahoorā said that Mr. Burney killed no natives when he fired at them on the following day, and other Maoris confirmed his statement. Cook wondered that Kahoorā put himself so often in the power of an enemy. After the interrogation was over, "he was so far from entertaining any uneasy sensations that on seeing a portrait of one of his countrymen in the cabin, he desired to have his own portrait drawn, and sat till Mr. Webber had finished it without marking the least impatience. I must confess I admired his courage, and was not a little pleased to observe the extent of the confidence he put in me."

Cook took care, however, to warn all persons that they should

feel the weight of his resentment if a second outrage should be committed. The confidence reposed in him was such that a Maori lad, Taweharooa, resolved to accompany Omai, though Cook declared that the lad could never return. A boy nine years old was given to Cook to act as servant to Taweharooa.

From Taweharooa on the voyage Cook was surprised to hear that a few years before he arrived in the 'Endeavour,' in 1769, a ship had touched at New Zealand; that the captain had cohabited with a native woman, and that a son had been born to him, and that by the ship's company syphilitic disease had been first introduced amongst the Maoris.

Whether the Maori youth was accurate or not cannot be decided. If any ship did touch at such a time at Terawiti (near Wellington) it is probable that she was afterwards lost, as no record of her visit was given to Europe.

Cook left the land of the Maoris for the last time in friendship with the islanders, glad to have given them food of various kinds, grieving for their internecine wars.

The Maori lad and boy, in the affliction of sea-sickness, repented their expatriation and made their moan in song commemorating the charms of Maoria. No consolation soothed them for many days; but at length they accepted their situation and became firmly attached to their new friends, and eventually remained with Omai at Huaheine.<sup>1</sup>

On this voyage Cook discovered an island, Wateoo, at about the 20th South parallel of latitude. Omai found there three of his own countrymen who had been twelve years at Wateoo. They were the remnant of twenty who, endeavouring to cross from Tahiti to Ulietea, had been swept away by strong winds. Death made havoc among them. They were without provisions, their intended voyage having been short. When only four men were left the boat was upset. Six hundred miles from their home the four men clinging to their overturned boat

<sup>1</sup> In 1788, Captain Sever, in the 'Lady Penrhyn' transport, touched at Huaheine. He saw Heete Heete and other friends of Cook. Omai and the two Maoris had died of sickness, and the men of Ulietea, of which Omai was a native, had made war on the men of Huaheine to obtain Omai's chattels, most of which were carried away in triumph. The house built by Captain Cook for Omai had fallen into a chief's possession. Heete Heete was unremitting in kindness, and shed tears when Captain Sever departed.

were seen by the natives of Wateoo. They were rescued and taken care of. They had married at Wateoo and declined to return with Cook to the land of their birth. He did not fail to record this striking instance of the manner in which the Pacific had been occupied. He found that not only Omai but the Maori lads could converse easily with the natives of Wateoo.

At Tahiti Cook saw his old friend Heete Heete. He showed genuine pleasure, and Cook gave him presents.

Cook settled Omai at Huaheine in October, 1777. The Maori lads wished to remain with Cook; but not being able to promise that he could ever send them to New Zealand he would not allow them to remain with him. The elder, who was "capable of receiving any instruction," seemed "resigned, though perhaps with reluctance, to end his days in ease and plenty at Huaheine. The other was so strongly attached to us that he was taken out of the ship and carried ashore by force."

Cook, after some difficulty, obtained a cession of land for Omai from the chiefs of Huaheine. On this plot, rather more than two hundred yards square, the ship's carpenters built a house for Omai, whose household consisted of his brother, the two Maoris, and a few Tahitian servants. His father had been dispossessed of his land at Ulietea, but Omai seemed as well content to remain at Huaheine as to return to his native place. Religious rites were performed on his induction to his new estate.

In bidding farewell (2nd November 1777), Cook says that Omai sustained himself with manly resolution till he came to me. Then his utmost efforts to conceal his tears failed."<sup>1</sup>

How Cook fell at Hawaii on the 14th February, 1799, for violation by his people of the law of Taboo, and how his assailants seemed to dread the eye of the great sailor, and struck him the coward's blow on the back, is recorded at length in the narrative of his voyages.

The publication of Cook's narrative, and the mutual slaughter of Maoris and Frenchmen, gave bad eminence to the race which gloried in its cannibalism. Sailors recoiled in horror from it.

Captain Vancouver was at Dusky Bay in 1791, but not at

<sup>1</sup> Cowper wrote of Omai, and his portrait, painted by Sir Joshua Reynolds, is one of the treasures at Castle Howard. He dined with Lord Mulgrave and Samuel Johnson, and the company "were struck with the elegance of his behaviour."



the North Island. D'Entrecasteaux, in 1793, declined all intercourse with the savages, although the naturalist of the expedition wished to obtain specimens of plants, and the Maoris in friendly guise seemed anxious to barter with him.

The bad faith which characterized the next transaction of the English with the Maoris, was calculated to arouse bitter hatred.

Governor Phillip had, on the 26th January, 1788, founded the settlement at Sydney. He sent his friend King to form a settlement at Norfolk Island in the same year. It was desirable to cultivate and manufacture the New Zealand flax found there by Cook.

King, having gone on a special mission to England on leave, besought the discoverer, Vancouver, at the Cape of Good Hope, to obtain by friendly means two Maoris, to teach at Norfolk Island the art of manufacturing the flax.

Vancouver, in 1793, sent a storeship from Nootka Sound, under Lieutenant Hanson, who was instructed to comply with King's request, on the voyage to Sydney.

It was not difficult to obtain the consent of the inquiring and adventurous Maori; but Hanson did not strive to obtain it. Two young chiefs, Tookee and Woodoo, boarded his vessel, and Hanson kidnapped them.

The acting Governor (Grose), at Sydney, unlike the just Phillip, did not condemn the act, but shipped the chiefs to Norfolk Island, whither, fortunately for the fair fame of Englishmen in the Pacific, King had returned.

Grose's order was, that the captives were to be "victualled and clothed," and he hoped they might be of use.

The chiefs were sullen and sad. King said, "They often in an affecting manner lament their separation from their friends, which they express by mournful songs." At first they condescended to give no information about flax. They haughtily declared that they were well-born chiefs, unskilled in menial service. King strove to soothe their wounded feelings, and entertained them as guests at his own table. He promised to return them to their homes, and by degrees won their confidence. They told all they knew. They became attached to him. They recognized the "stone axes" dug up in the island as exactly like their own.



King kept his promise, and to ensure its fulfilment went with his friends in November, 1793, and restored them to their people, amongst whom it was plain that the kidnapped chiefs held honourable estimation. The absence from Norfolk Island was only of ten days' duration. Grose upbraided King for his "unwarrantable proceedings" in delaying a ship for such a "trifling purpose." He hoped it would meet the "highest disapprobation" in England.

One of the chiefs took the name of his restorer, Kawana Kingi,<sup>1</sup> and British sailors were hospitably received by the Maoris at the Bay of Islands by the grateful chiefs, and by Ti-pa-he, a personage of importance.

King, after he became Governor of New South Wales (1800), in order to confirm relations which were of importance to mariners, directed the commandant at Norfolk Island to send some breeding stock to Ti-pa-he. The chief, desirous to see the author of the gifts, sailed with four sons in H.M.S. 'Buffalo,' by way of Hobart Town to Sydney, in 1806. Governor Collins, at Hobart Town, sent gifts on board.

In Sydney, King<sup>2</sup> caused every attention to be paid to him. "This worthy and respectable chief (for so we found him in every sense of the word after residing among us three months) informed me that he had long intended this visit, being encouraged by the report of Tookee and Woodoo. He had undertaken it also at the request of his father, and the prospect of his country being benefited by his visit as it had been by the great blessing bestowed on it by the two New Zealanders' return from Norfolk Island, who introduced the potato, which is now in the greatest abundance."<sup>3</sup>

There was one grievance also. A blow was an insult which a Maori must wipe out, if need be, by blood.

<sup>1</sup> The Maori mode of expressing the words "Governor King." Long years afterwards, at the request of King's widow, the Rev. Samuel Marsden discovered the chief, and persuaded him to embrace Christianity, in which faith the grateful convert died.

<sup>2</sup> King to Lord Camden, 15th March, 1806.

<sup>3</sup> It would seem from this contemporary evidence that the Bay of Islands was not one of the places at which Cook succeeded in introducing the potato. Tookee and Woodoo having resided some months at Norfolk Island could explain to their countrymen the proper method of treating the new article of food.

“He complained that in one instance a New Zealander had been flogged by the master of a whaler, and hoped that I would give orders that no such act would be committed in future, and very liberally observed, that he supposed the master must be a bad character in his own country to commit such violence on a stranger, whose countrymen were relieving his wants.

“I assured him that I would give strict directions that nothing of the kind should happen again, but if, unfortunately, it should recur, every pains should be taken to bring the offender to justice. . . .”

“That he might receive no unpleasant impressions, he ate at my table, and was with his four sons comfortably lodged.”

King sent him home in H.M. colonial vessel, the ‘Lady Nelson,’ with gifts of fruit-trees. There was a project to procure Maoris to serve as shepherds in Australia. Ti-pa-he discountenanced the idea of obtaining the “emoki, or lower class, who were too idle and vicious.” The middle-class would “be more expert and tractable.” That a high-born chief should perform menial service was not to be contemplated.

Ti-pa-he received a silver medal with a suitable inscription, and bearing on the obverse : “In the reign of George III., by the grace of God King of the United Kingdom of Great Britain and Ireland.”

The commander of the ‘Lady Nelson’ reported on his return, that it was “evident that Ti-pa-he is a chief of considerable authority.”

The roving spirit which took Ti-pa-he and his sons to Sydney gave Samuel Marsden an opportunity of becoming acquainted with the race which he was to evangelize. As a close friend of King, Marsden saw much of the guest and his sons, and formed projects for the benefit of their countrymen.

By some writers Marsden’s first acquaintance with the Maoris for whom he was to do so much, was ascribed to his having seen Tookee and Woodoo in Norfolk Island, but they had returned to their homes before Marsden first landed in Australia.<sup>1</sup>

<sup>1</sup> I may perhaps be permitted to cite this case as a proof of the care with which he who would compile a truthful history must guard against repeating the unintentional errors of others. The Rev. R. Taylor, of unimpeachable veracity, and “a missionary in New Zealand for more than thirty

The rascally conduct of Hanson was promptly remedied by King; but other adventurers, less careful of the good name of England, encountered various fortunes on New Zealand shores.

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years," as his title-page informs us, says (p. 396), in 'New Zealand and its Inhabitants':—"On such apparently trifling circumstances do the greatest events often depend! Mr. Marsden's first desire to send missionaries to New Zealand arose from his there (Norfolk Island) meeting with those two natives and being struck with their superior intelligence; they were afterwards sent back to their country enriched with presents," &c. Marsden did not see the chiefs at Norfolk Island at all. King took them home in November, 1793, and Marsden had not then arrived in Australia. He landed in Sydney on the 10th March, 1794. The error adopted by Mr. Taylor has not even dust for a foundation. King wrote an account of the chiefs which was published in Collins' 'New South Wales,' in 1798.

## CHAPTER III.

## TRAFFIC WITH MAORIS.

THOUGH cannibalism had given a bad odour to the Maori name, roving Englishmen were not repelled from the islands. In 1792, Mr. Raven, sailing in the 'Britannia' from Sydney, in quest of live stock and provisions, left at Dusky Bay his second mate, Mr. Leith, with some men, to occupy themselves in sealing, while he went to the coast of Brazil and thence to the Cape of Good Hope before returning to Sydney in 1793. It was not until October, 1793, that Raven went to look for Leith and his companions. They had procured 4500 seal-skins, but had been chiefly engaged in building a vessel of New Zealand pine to aid their escape in case of need. The vessel was of sixty-five tons burden. The natives had not molested, but avoided them. Presents which were left for the Maoris were left untouched. The English had procured abundance of fish and game. The vessel they had built was left in the bay.

More than two years afterwards, Mr. Bampton, in the 'Endeavour,' found his ship dangerously leaky, and by common consent of all on board ran her on shore at Dusky Bay. The small vessel built by Mr. Leith and his carpenter was found in good order, launched, and named the 'Providence.' All whom she could contain went in her; others remained to sail in a vessel which one Hatherleigh, a carpenter's mate, volunteered to construct out of the long-boat of the abandoned 'Endeavour.' The new vessel was called 'The Assistance,' and in a few months she carried to Sydney as many passengers as could be supplied with food, leaving others for a future opportunity.

At Dusky Bay there were few Maoris, and visitors were in no danger. But Mr. Dell, the commander of the "snow" 'Fancy,'

adopted a more daring plan. Keeping his destination secret, though it was suspected, in September 1794 he sailed from Sydney to the Frith of Thames. The "snow" was armed,<sup>1</sup> was of about 170 tons burden, had a strong crew, a guard of Sepoys, and a commission from the Bombay Marine Department.

In three months Mr. Dell cut down more than 200 fine trees, for the uses of the East India Company. He bartered bits of iron for flax. He was compelled to fire on the natives, he said, because some axes were stolen. Two Maori men and one woman were killed.

Such was the commencement of the unlicensed traffic which was to make the north-east coast of New Zealand a disgrace to the European name. From this period many Maoris went in European ships to various countries; and, after a time, runaway convicts and reckless adventurers found their way to New Zealand.

In 1800 the Rev. T. Fyshe Palmer (one of the "Scotch martyrs" convicted of seditious practices), the term of his banishment having expired, chartered a vessel, with which he went to New Zealand for timber. Such an adventure was not always profitable. Mr. Palmer was twenty-six weeks at the islands, consumed all his stores, and was compelled to go to Tongataboo to refit. Whalers resorted to New Zealand, and the Maoris, who were daring harpooners, went to sea to earn money and buy guns.

A story is told of one who, when scorned for missing one whale, sprung on the body of the next that appeared, and having struck home, vanished in a whirlpool of blood and foam, emerging coolly with his hand on the gunwale; and being hauled on board as the boat was dragged into speed by the wounded whale.

The Vikings from Hawaii scattered themselves freely amongst the crews of foreign ships. One or two went to England. Some were anxious to see the king of the nation which carried thunder and lightning, and blew its foes to atoms. They were disappointed when they found he was not a great warrior and was an old man. One who vainly sought to see the king saw, without seeking him, the future apostle of the Maori race.

<sup>1</sup> Collins' 'New South Wales,' p. 390.

The Maoris could not gauge the relative importance of Europeans, and appear to have supposed that the commander of a ship was a leader of men who could easily introduce his friends to the king of England. Unscrupulous rogues took advantage of this credulity and inveigled many Maoris to enter upon such vain voyages. Ruatara was one such chief. A casual meeting with him<sup>1</sup> in England was to colour the future fortunes of the Maoris, and render Marsden famous.

Ruatara's story may serve as a type of the Maori sea-rover. He, was nephew of the great warrior-murderer Hongi, the Ngapuhi conqueror, the introducer of fire-arms on a large scale. The nobility of Ruatara was unquestionable. He could trace his pedigree to the chieftains who led the people from Hawaii. He was a relative of King's friend Ti-pa-he.

In 1805 he embarked in a whaler, the 'Argo,' at the Bay of Islands. He worked on board as a sailor, fond of the life of adventure, and stipulating that he should be landed at Sydney. The master of the ship cheated him of his earnings and abandoned him there. Another captain (of the whaler 'Albion'), Richardson by name, treated him honourably, paid him his earnings during a six months' cruise, and landed him at the Bay of Islands.

The spirit of a rover was upon him, and again he shipped with others in a vessel, the 'Santa Anna,' cruising for seal-skins in the Pacific. At the head of a sealing party put on shore upon an island while their vessel returned to New Zealand for pork and potatoes, he underwent much privation. Three of the sailors died. Ruatara was fired with a desire to see King George, and the captain took him to England in 1809, promising to gratify him. In London he was ill-used. He did not see the king, was hardly allowed to go on shore, and in extreme illness, without wages and in rags, was put on board the 'Ann,' a convict transport bound for Sydney.

He had received that deadly insult to a Maori chief—he had

<sup>1</sup> The name has been spelt in many ways, such as Duaterra, &c. I use the spelling adopted by the first Bishop of Waiapu (William Williams). The name of Hongi, sometimes called Shonghi, has been similarly treated. *Vide* 'Christianity among the New Zealanders,' by Right Rev. W. Williams, D.C.L., Bishop of Waiapu. London, 1867.

been struck. The fate of his persecutor would have been inevitable if Ruatara could have met him amongst Maori fern. But the ship which carried Ruatara carried also Samuel Marsden, the future apostle of New Zealand. In striving to care for the crew his glance fell upon the dusky form of the sick and discontented Ruatara. His sympathies were attracted to the sufferer. The heart of Ruatara was touched.

Kindly treated, he recovered, and on reaching Sydney found a home and a friend in the house of Marsden. After staying some months with his teacher he sailed for his native country, was again deceived by the captain, and was defrauded and landed at Norfolk Island, after passing within a few miles of the home in New Zealand whither the captain had pledged himself to sail. A whaling vessel found him at Norfolk Island and took him to Sydney. The guest of Marsden for a time, he took ship again for New Zealand, and was safely landed among his friends.

His travels and narrative made him the first missionary to his countrymen. The web of European life was not all bad. Some good was mingled with it. The examples of Governor King and of Marsden could more than outweigh the conduct of brutal and fraudulent captains. It was good that in establishing relations with a fearless and intelligent but bloodthirsty race, there was a messenger like Ruatara, who could tell the tale of Marsden's kindness. But he himself was no common man. He had carried some seed wheat with him on last leaving Marsden. The growth of the new crop was watched with curiosity by Ruatara's countrymen, who were loth to believe that it could produce the flour of the Europeans. It was garnered, and a new difficulty presented itself. Ruatara had no mill. His boasted importation was flouted.

But at this juncture Marsden had matured his plans with certain lay missionaries—Hall, King, and Kendall. He had long yearned to evangelize and civilize the Maoris, and the providential encounter with Ruatara in the convict ship seemed to open the way. Hall and King had accompanied Marsden from England. They would have gone at once with Ruatara to New Zealand if tidings had not been received at Sydney, in

August, 1810, of the massacre of the crew of the ship 'Boyd' at Whangaroa.

While Marsden strove to lay the foundation for a good understanding between the two races, another European caused a catastrophe which was to exasperate them and sacrifice not only the friendly chief Ti-pa-he, but almost all his 'hapu,' or sub-tribe. One Thompson, master of the 'Boyd,' going to New Zealand for timber, had engaged some Maoris in Sydney. One of them was a chief, Tarra, known as George. He was, or feigned to be, too ill to work. Thompson tied him to the gangway and flogged him twice, telling him that he was no chief. The sullen victim answered: "When you arrive in my country you will find that I am a chief."

He dissembled afterwards, and persuaded Thompson to enter the harbour of Whangaroa, his native place. There he showed his stripes to his friends. The back of a chief is peculiarly sacred in Maori belief. Vengeance was vowed. The captain and several of the crew went on shore to select timber. They were all murdered. Dressing themselves in their victims' clothes, the triumphant savages at dusk went to the ship, scaled its side, and slaughtered all they could seize except one woman and two children, and a boy, who, having shown some kindness to George on the voyage, was spared. Others who appealed to George for mercy were brained by his club. Five sailors had fled to the rigging, where they remained all night. Ti-pa-he, in the morning, being on a visit to Whangaroa to trade for dried fish, saw their situation and invited them into his canoe. He landed them safely, but the Whangaroans pursued and killed them.

The vessel was plundered and burnt. Gloating over the firearms, the father of George snapped a musket over an opened cask of gunpowder,<sup>1</sup> and was, with a dozen followers, blown into the air.

The white women and children were gallantly rescued at some risk by Mr. Alexander Berry (an early and influential colonist in New South Wales), who was at New Zealand for trading purposes in the ship 'City of Edinburgh.' Leaving his vessel at the Bay of Islands, Mr. Berry went with three

<sup>1</sup> 'The New Zealanders.' Library of Entertaining Knowledge, 1830.



armed boats to Whangaroa, but he strove to recover the captives "by gentle measures." Ti-pa-he assisted him. Mr. Berry sailed away with Mrs. Mozeley and her child; a girl, the daughter of Mr. Commissary Broughton of New South Wales; and the boy Davidson, whose kindness to George had saved his own life.

Five whaling ships met soon afterwards at the Bay of Islands. Believing or presuming that Ti-pa-he was an accomplice in the destruction of the 'Boyd,' the captains attacked his village by night, slew nearly all the inmates, and burned the village and the growing crops. Ti-pa-he escaped, wounded, but was soon afterwards killed by the men of Whangaroa, who were incensed with him for endeavouring to save the lives of the sailors who had taken refuge in the rigging of the 'Boyd.'

The consequences which Ti-pa-he had predicted to Governor King fell upon himself and his tribe through the act of the brutal Thompson. Some of his countrymen, soon after the destruction of Ti-pa-he's village, murdered and ate three sailors belonging to a whaling ship. Though anxious to intervene, Marsden was restrained by Governor Macquarie, who for some time interdicted him from going to New Zealand.

The circumstances of the massacre of Thompson and his crew were revolting in themselves, and distorted in narration. It was not until after many years that collation of evidence enabled Englishmen to form a correct judgment.

Justice requires that it should be recorded that Macquarie afterwards endeavoured to stay the horrors which were rife. He and others had learned that breach of the tapu would be followed by vengeance in order to satisfy an offended God, or a superstition exercising unquestioned control over Polynesians. In 1813 he proclaimed that ill-usage of the natives at New Zealand, Tahiti, and other islands, caused danger of retaliation. He extorted bonds for a thousand pounds from every vessel clearing from the territory of New South Wales. All on board were to behave well to the natives. There was to be no trespass on their lands or burial-grounds. No natives were to be shipped without their free consent and that of their friends, and no female native was to be shipped without written permission of the Governor of New South Wales.

This Proclamation seems to have been fruitless; for in 1814 Macquarie found it necessary to issue another denouncing the insulting and injurious practice of carrying off New Zealanders, male and female, by commanders and sailors. Many a Maori Helen was the cause of deeds of blood, and coarse abductions by violence were followed by revenge. Macquarie now invested Ruatara (Marsden's friend), Hongi, and Koro Koro, with power to give or withhold permission to white men to remove natives from New Zealand, which permission was to be "certified under the hand of Mr. Kendall the resident magistrate, or of the magistrate for the time being." Offenders would be prosecuted with the utmost rigour.

The zeal of Marsden was not unsupported in Sydney. In 1813, D'Arcy Wentworth, the father of the statesman, with others, caused a meeting to be held in Sydney to consider measures for promoting the welfare of South Sea Islanders visiting Port Jackson. Marsden meanwhile represented to the Missionary Societies in England the desperate condition in which the Maoris were plunged by shameful contact with the scum of civilization. When he was in England, in 1809, he had appealed to the London Missionary Society and the Church Missionary Society. They found no clergyman fitted for the task, but two lay missionaries, Hall and King, were selected to aid him. At last he obtained leave to charter a vessel, if a captain could be found daring enough to go, and was promised that if she returned safely Marsden might then follow. After many difficulties (Marsden says): "Finding that the Societies in London could not make up their minds, neither as a body nor as individuals, to send out a vessel, I at last determined to purchase one for the purpose on my own account. The various expenses attending it have created me some little pecuniary difficulties, but they are only known to myself, and not such as will be attended with any serious consequence. I hope in a little time I shall be able to surmount them; whether I shall keep the vessel in my own hands or not, I am not certain as yet. I cannot do it without some assistance at the first; if I could, I certainly would not trouble any of my friends." His plan was to encourage commerce, and make the vessel, the 'Active,' yield some returns. "You

cannot" (he said) "form a nation without commerce and the civil arts."

Messrs. Hall and Kendall sailed in the 'Active,' carrying a message from Marsden requesting Ruatara's kind offices, and asking him to return with two or three chiefs. They took with them a timely present. Marsden sent a hand-mill for grinding corn. Anxious eyes watched the experiment upon Ruatara's useless grain. Bread was made, doubters were convinced, Ruatara and the missionaries were in high favour. The great warrior Hongi, his nephew Ruatara, and other chiefs were passengers in the 'Active' to Sydney in October, 1814. All were Mr. Marsden's guests.

He wrote to England: "They are as noble a race of men as are to be met with in any part of the world. I trust I shall be able in some measure to put a stop to those dreadful murders which have been committed upon the island for some years past both by the Europeans and the natives. They are a much-injured people notwithstanding all that has been advanced against them."

In November, 1814, Marsden sailed in the 'Active' for the Bay of Islands, accompanied by Messrs. Kendall, Hall, and King, and their families. Eight New Zealanders and two Tahitians were with him, and he took three horses as well as a bull and two cows, presents from the Governor. A Mr. Nicholas went also as a friend. Marsden's reputation ensured his favourable reception; but he asked for something more. He wished to establish peace among the natives. A war was then raging. The massacre of the company of the 'Boyd, and the subsequent slaughter of Ti-pa-he's people, had left unsatiated lust for revenge. Battles had been fought, and at Paramatta Ruatara and Hongi had told Marsden of the quarrel. (Marsden ascertained also that Ti-pa-he had no hand in the 'Boyd' massacre.) These quarrels Marsden set his heart upon terminating. But how was he, the guest of Hongi, to approach Hongi's enemies; and how was he, the countryman of Ti-pa-he's assailants, to approach the kindred or friends of Ti-pa-he's decimated tribe? He whose life was marked as "the first to be taken" in the Irish rebellion in 1804 in New South Wales, who had carried it in his hand for years before that period, was

deterred by no personal apprehensions now. With Mr. Nicholas he passed over from the camp of Hongi to that of the Whangaroans and was cordially received. "We sat down amongst them and the chiefs surrounded us."

There was amongst the Whangaroans a chief who had sailed in an English ship. He interpreted. Marsden explained the object of the mission, and dwelt on the blessings of peace. The tribe retired to rest by degrees, Marsden and Nicholas being directed by the interpreting chief to remain near him.

"The night was clear, the stars shone bright, and the sea in our front was smooth. Around us were innumerable spears stuck upright in the ground, and groups of natives lying in all directions, like a flock of sheep upon the grass, as there were neither tents nor huts to cover them. I viewed our present situation with sensations and feelings that I cannot express, surrounded by cannibals who had massacred and devoured our countrymen. I wondered much at the mysteries of Providence, and how these things could be. Never did I behold the blessed advantage of civilization in a more grateful light than now."

In the morning Marsden invited the chiefs on board the 'Active.' The boat arrived, and Ruatara also. "At first I entertained doubts whether the chiefs would trust themselves with us or not, on account of the 'Boyd,' lest we should detain them when we had them in our power; but they showed no signs of fear, and went on board with apparent confidence."

After breakfast the chiefs sat in the cabin to receive presents which Marsden distributed, Ruatara handing to him axes, bill-hooks, prints, &c. Marsden introduced the missionaries. Mr. Kendall was to teach the children; Mr. Hall to build houses, boats, &c.; Mr. King to make fishing-lines; Mr. Hanson to command the 'Active,' which would procure supplies as required. And then came a request that the contending tribes would be reconciled. "Ruatara, Hongi, and Koro Koro shook hands with the chiefs of Whangaroa and saluted each other as a token of reconciliation by joining their noses together. I was much gratified to see these men at amity once more."

The chiefs promised in future to protect the missionaries and European traders. The horses and cattle excited the wonder of the natives, and one of the chiefs in turn excited

that of Marsden. On Saturday Ruatara enclosed half an acre of ground; placed in it a pulpit and a reading-desk (which were covered with black cloth), fixed seats (for the Europeans), made (like the pulpit) of portions of old canoes; erected a flagstaff on the highest hill in the village; and in the evening informed Marsden that everything was ready for Divine Service on the following day.

On that memorable Sunday, 25th December, 1814, the English flag was hoisted, to Marsden's intense gratification.

"About ten o'clock we prepared to go ashore, to publish for the first time the glad tidings of the gospel. I was under no apprehension for the safety of the vessel, and therefore ordered all on board to go on shore to attend Divine Service, except the master and one man. When we landed, we found Koro Koro, Ruatara, and Hongi dressed in regimentals which Governor Macquarie had given them, with their men drawn up, ready to be marched into the enclosure to attend Divine Service. They had their swords by their sides and switches in their hands. We entered the enclosure, and were placed on the seats on each side of the pulpit. Koro Koro marched his men and placed them on my right hand in the rear of the Europeans, and Ruatara placed his men on the left. The inhabitants of the town, with the women and children, and a number of other chiefs, formed a circle round the whole. A very solemn silence prevailed—the sight was truly impressive. I rose up and began the service by singing the Old Hundredth Psalm, and felt my very soul melt within me when I viewed my congregation, and considered the state they were in. After reading the service,—during which the natives stood up and sat down at the signals given by Koro Koro's switch, which was regulated by the movements of the Europeans,—it being Christmas Day, I preached from the 2nd chapter of St. Luke's Gospel, ver. 10: 'Behold, I bring you glad tidings of great joy,' &c. The natives told Ruatara that they could not understand what I meant. He replied that they were not to mind that now, for they would understand by-and-by; and that he would explain my meaning as far as he could. When I had done preaching he informed them what I had been talking about . . . . In this manner the gospel has been introduced into New Zealand; and I fervently pray

that the glory of it may never depart from its inhabitants till time shall be no more."

Ruatara was as proud as Marsden was pleased, at this formal reception of his countrymen into the Christian fold.

A coasting voyage was undertaken. Twenty-eight armed New Zealanders went in the 'Active,' manned by only seven Europeans. Mr. Nicholas wrote: "I do not believe that a similar instance can be shown of such unlimited confidence placed in a race of savages known to be cannibals. We are wholly in their power, and what is there to hinder them from abusing it? Next to the over-ruling providence of God, there is nothing but the character of the ship, which seems to have something almost sacred in their eyes, and the influence of Mr. Marsden's name, which acts as a talisman amongst them. They feel convinced that he is sacrificing his own ease and comfort to promote their welfare."

One thing Marsden would not do for them. He would supply them with no weapons for war. The smith was forbidden to repair them. Axes, hoes, or agricultural implements he was to make and mend, but implements of war he was on no account to touch. Theft and lying were denounced as deadly, and Ruatara gave manly aid in discouraging them.

Marsden's leave of absence was short, and in February, 1815, he sailed to Sydney, having first bought with twelve axes from "Anodee O Gunna, king of Rangheehoo," about two hundred acres of land for the Church Missionary Society. The land was in "the district of Hoohee, bounded on the south side by the Bay of Lippona and the town of Rangheehoo, on the north by a creek of fresh water, and on the west by a public road into the interior." Mr. Nicholas and Mr. Kendall signed their names to the deed, which made the land "free from all taxes, charges, impositions, and contributions whatsoever for ever." The "amoco," or tattooing in the face of Gunna, was drawn by Hongi in the deed, and Gunna placed his mark by it. The sagacious Marsden had taken with him a form of conveyance prepared by lawyers in Sydney.

Thus was New Zealand first drawn within the vortex of wholesome Western influence. Well would it have been if all Marsden's countrymen had been imbued with his spirit!

This narrative cannot embrace the minute details of later occurrences. But Marsden's singular encounter with Ruatara; his daring confidence at Whangaroa; the scene, worthy of a national picture, of the celebration of Divine Service under the guidance of the chiefs; and the rapidity with which Marsden's mission of peace was accomplished, throw a singular air of romance about this portion of New Zealand story.

Marsden's safe return with his companions to Sydney was unexpected, and Macquarie congratulated them upon it. The little colony at Rangheehoo (or Rangihoua) numbered twenty-five Europeans.

Ruatara died soon after the 'Active' sailed. He had said with triumph to Marsden: "I have now introduced the cultivation of wheat into New Zealand. New Zealand will become a great country. In two years more I shall be able to export wheat to Port Jackson, in exchange for hoes, axes, spades, tea and sugar." Maori honours were paid to Ruatara. Hongi wept like a child. Rahu, the widow, violently took away her own life in order to rejoin her husband in the land of spirits. The priests had surrounded him during his illness. Anxious to introduce Christianity among his countrymen, Ruatara had not been formally received into the Christian Church.

The English Government, stimulated by reports from Governor Macquarie, and the representations made by the missionaries and their friends, took occasion to pass an Act (57 Geo. III. cap. 53; 27 June, 1817), for the more effectual punishment of murders and manslaughters not committed within His Majesty's dominions.

The preamble declared that murders at Honduras, "and like offences committed . . . as well on the high seas as on land, in the islands of New Zealand and Otaheite, and in other places . . not within His Majesty's dominions, by the masters and crews of British ships and other persons," necessitated the enactment. It was provided that all such crimes "committed, or that shall be committed, in the said islands of New Zealand and Otaheite . . . not within His Majesty's dominions . . . shall and may be tried, adjudged, and punished in any of His Majesty's islands, plantations, colonies, by virtue of the King's Commission . . .



in the same manner as if such offences had been committed on the high seas.”<sup>1</sup>

The death of Ruatara did not abate Marsden's zeal. He sent two New Zealand youths, “not to be idle,” but to aid in preparing a vocabulary. If they could not be useful in that way he asked that they might be “put into a rope-walk and be kept to close labour while they remain in England.” They returned safely, and accompanied Marsden to their native land in 1819.

It is needless to narrate his proceedings in detail. They were like his past doings. He commanded the respect and enjoyed the affection of all.

His congregation assembled on the beach, there being “no place sufficiently spacious to hold the people.” He saw one of the New Zealanders to whom Governor King had been kind, and who now spoke gratefully of King.

Hongi was still ferocious to his enemies and faithful to his friends. Marsden was able to dissuade him from a warlike expedition when the warriors were gathered together, and the war-canoes ready. But Hongi bided his time. He revolted against Marsden's prohibition of fire-arms, and devised subtle schemes to defeat it.

In 1820 Marsden went again to New Zealand in H.M.S. ‘Dromedary,’ though leave was reluctantly given to him.

The natives had determined to do no work, and exchange no article, except for muskets and powder.

Marsden addressed the settlers, the missionaries, and the natives, in turn. To the Church Missionary Society he wrote: “I think it much more to the honour of religion and the good of New Zealand, even to give up the mission for the present than to trade with the natives on these terms.”

But no dissuasion could restrain Hongi's thirst for guns.

<sup>1</sup> This Act was afterwards supplemented by Acts to provide for “the better administration of justice in New South Wales,” &c. Section iii. of 4 Geo. IV. cap. 96, gave power to the Supreme Courts of New South Wales and Van Diemen's Land to inquire, hear, and determine all treasons . . . piracies, felonies, murders on the sea or in the islands of New Zealand, Otaheite, or any other place “in the Indian or Pacific Oceans, and not subject to His Majesty,” and to punish the criminals, “any law, statute, or usage to the contrary notwithstanding.” Section iv. of 9 Geo. IV. cap. 83 (25th July, 1828), made similar provisions.



While Marsden was in New Zealand in 1820, Hongi sailed for England, determined upon doing, by the worst means, the worst.

The small body of settlers collected at the Bay of Islands received casual accessions of a more or less equivocal nature, and Kororarika through their means was soon to obtain unenviable notoriety, as the gathering-ground of the reckless, the debauched, and the murderous.

It was bootless for Marsden to protest against the callousness with which the ruffians amongst them supplied fire-arms to the Maoris. An early instance of the efficacy of fire-arms in Maori hands, which occurred at Tauranga, was more potent with Hongi than any eloquence.

Temorenga, a Ngapuhi chief, to avenge the death of a niece (who after being carried away by a Sydney vessel had been landed at Mercury Bay, treated as a slave, and finally killed and eaten by Te Waru, a Tauranga chief), went with many men in war-canoes to Tauranga about 1818. He had thirty-five muskets. Te Waru had none. Hundreds of the Tauranga men were slain. The great pah at Maunganui was taken. In a second battle two hundred and sixty men were made prisoners. The astonished Te Waru fled to the woods. One day Te Whareumu, a Ngapuhi chief, was pounced upon not far from Temorenga's camp. "Who are you?" said the assailant. The prisoner equivocated. "I must know your name. I will not kill you. I am Te Waru, and I wish for peace." Te Whareumu gave his name. Finding the importance of his captive, Te Waru gave him a mat and said: "Lead me to Temorenga." Temorenga's people would have slain Te Waru on the spot, but Whareumu motioned them away and told the story of his own capture by the self-risking chief. Peace was made. Te Waru declared he could not have conceived that muskets would prove so deadly. He asked for his wife and children, and Temorenga released them. He sorely lamented his slain father. Temorenga gave him a musket to console him; and he departed. Three days the victors remained to feast upon the slain, and then took away their prisoners and a fleet of captured canoes.

Hongi saw his way to bad eminence. He would better the example of Temorenga. "There is but one king in England," he said, "and there shall be but one in New Zealand."

He had been in Sydney. He resolved to go to England. He went there with another chief Waikato, in company with the lay-missionary Kendall, in 1820; leaving Marsden in New Zealand in the ship 'Dromedary,' labouring for the peace of the Maoris. The services of Hongi and his companion were availed of by Professor Lee and Mr. Kendall in the arrangement of a Maori vocabulary and grammar at Cambridge.

Kendall had previously compiled and Marsden had caused to be printed in Sydney an elementary Grammar, which formed the basis of Professor Lee's new Grammar and Vocabulary. This was subsequently revised and largely amended by labours of missionaries in New Zealand, and it may be well to record some of their names here. Mr. Shepherd in 1824 translated the Gospel of St. John. The Rev. William Williams, an Oxford graduate (afterwards Bishop of Waiapu), in 1826 had translated some portion of the book of Genesis.

In 1832 the Rev. W. Yate went to Sydney to superintend editions of two Gospels, the Acts of the Apostles, Epistles, and part of the Book of Common Prayer.

In 1833 William Williams translated the Gospel of St. Luke.

In 1834 the Church Mission Society sent a printing-press to New Zealand, under charge of Mr. W. Colenso, destined to be celebrated for knowledge of Maori lore.

In 1835 the Rev. Robert Maunsell carried his zeal and devotion to the islands, and his ripe scholarship was of infinite advantage; as was the example he set as a noble Christian in every hour of trial.

In 1844 Bishop Selwyn procured the appointment of William Williams, Maunsell,<sup>1</sup> and Puckey, to revise the Maori Prayer Book. In the same year William Williams published the first edition of a Maori Dictionary.

Two Wesleyan missionaries, Messrs. Hobbs and Buddle, assisted in a revision. In 1847 William Williams, his son Leonard Williams, and Maunsell, with the aid of Hobbs, Reid,

<sup>1</sup> In 1843, Mr. Maunsell's house was burnt, and his MS. Dictionary, Translations, and Notes were lost. Nothing daunted, before his hands were healed from scorches he was at work again, and efforts of friends supplied him with books to replace his library.

and Whiteley, Wesleyans, still further revised the translation of the Old Testament.

In 1867 William Williams, his son Leonard, and Maunsell, again revised the New Testament. Mrs. Colenso, an excellent Maori scholar (a daughter of Mr. Fairburn, missionary catechist), prepared the last revision by writing the corrections on a printed copy, and the final work, promulgated under the sanction of Bishop Selwyn, justified its claim to be called, in the words applied to an earlier edition by Dr. Broughton, the Bishop of Australia—"a monument of well-directed piety."

Although Hongi in 1820 condescended to assist Professor Lee, his own affections were riveted to munitions of war. The soldiers, the arms in the Tower of London, were ever in his mind. The king presented him with a suit of armour. Loaded with presents he returned to Sydney; and there converted his treasures into weapons of war, with which to destroy his countrymen and demoralize himself. He saw Marsden at Paramatta. Four chiefs from the Thames district were there desirous to go to England and do as Hongi had done. Marsden tried to dissuade them. Hongi concurred with Marsden, and told them that the English climate had injured his own health. Tidings reached him while yet he was Marsden's guest that his son-in-law had fallen in battle at the Thames.

He said to Hinaki, one of his fellow-guests at Marsden's table, "Hasten home, and prepare for war. I shall soon attack you." He sold in Sydney all ordinary presents and gathered together about three hundred stand of fire-arms. With a great fleet of war-canoes he descended upon the gulf of Hauraki. Hinaki had taken warning, and the Ngatimaru were in force in their pah Tōtără near the mouth of the Thames. The works were so extensive that even Hongi's impatience condescended to resort to guile. Barter was put forward as the object of the Ngapuhi, and many of them were received in Tōtără. An old chief, thus hospitably entertained, struck with compunction, or prompted by Maori chivalry, lingered behind his fellows and said "Kia tupato"—be cautious. His warning was vain. In the night Tōtără was surprised and a thousand Ngatimaru were destroyed.

Hongi's dreams were realized. None could stand before him.

The unhappy Ngatimaru, scattered before his guns, had to meet on the sources of their rivers the savage Te Waharoa. Many were killed and eaten, but hundreds were made captives. The refugees will be encountered hereafter at Horotiu, the Waikato river; where their fortress Haowhenua was to become notable.

When Hongi's conquering canoes returned the missionaries were witnesses of the slaughter of several of the captives by the widows of Ngapuhi chiefs who had been killed by the Ngatimaru. They retreated horror-struck, but were afterwards told that the savage Hongi himself slew five victims with his own hand. The brave Hinaki was amongst those who were eaten. More slaughters occurred before Hongi fitted out in 1822 another expedition. It was asserted that some Waikato people had been in alliance with the Ngatimaru, and Hongi went to punish them. He sailed into the Tamaki;<sup>1</sup> and, where the suburb of Panmure now stands, carried by assault two notable pāhs, Mauinaina and Makoia, which had been built not far from a vast Maori fort of olden time, which stood upon Mount Wellington in the eighteenth century in the days of Nga Iwi or "the Tribes."

Again the deadly fire-arms destroyed the owners of wooden weapons; and again the cannibal conquerors glutted themselves on the bodies of the slain Ngatipaoa.

But Hongi thirsted for more sweeping vengeance. He drew his war canoes across the isthmus at Otahuhu, crossed the Manūkau harbour, and again hauled his canoes overland to the Waiaroa, which he descended,—straightening the channel where its curves were too sharp to allow his canoes to pass. Reaching the Waikato river the fleet moved up the stream. The Waikato tribes, aghast at the ruin of their Northern neighbours, had mustered in a great pāh at Matakītaki (look-out, or place

<sup>1</sup> The narrative in the text is compiled from various statements, in 'The Story of Te Waharoa,' by J. A. Wilson; in Mr. Taylor's various works; in a Judgment of the Native Lands Court in the Orākei case, and other books, as well as from conversation with Maori chiefs. I have endeavoured to embody the facts upon which all the statements agree. There are discrepancies as to many dates or in various versions. Tribal disputes as to land-titles caused the creation of a Commission in 1881, which investigated some of the facts; *vide* N. Z. P. P., 1861. G. 2 A.

for watching), situate between the Maungapiko and the Waipa rivers, below the existing town Alexandra.

On a narrow neck of land, with precipitous banks on each side, under which the rivers ran, the pah was raised. A deep ditch and an enormous bank formed the inland barrier, and ran from the top of one river-bank to the other. Two other banks and ditches within the pah crossed the neck of land; and, where the high land terminated suddenly, leaving a low tongue between the angle of the meeting rivers, the final fortification was made steep as a cliff, at the foot of which was a deep ditch, on the outer side of which was a large glacis sloping downwards to the low tongue of land between the converging rivers. The Maori palisades were of vast strength. The portion of the pah nearest the river junction was held by the men of Waikato.<sup>1</sup> The inland division, several hundred yards wide and about as long, was held by the allied tribes which had fled for shelter to the stronghold. Some of them had perhaps seen the effects of fire-arms at Tōtārā and at Mauinaina.

Hongi landed at the point of low land. The Waikato warriors dashed forward to dispute his landing. Long afterwards they told how one daring warrior slew four of the Ngapuhi before he was shot. But valour was vain. Two hundred muskets mowed down the Waikati, and the terrified survivors fled. Their steep glacis, ditch, and earth cliff, impeded their escape. Their narrow gateway was choked by the fliers. They were shot and slaughtered like sheep. They clambered round the bank in hopeless confusion. A panic seized the inmates of the pah. The inland gateway for egress was too narrow for the crowd of men, women, and children. They rolled in heaps into the deep ditch, and were suffocated before the Ngapuhi men arrived to deal death to the strugglers.

Te Whero Whero himself, the future Maori king, was rescued by a friendly hand which dragged him from the floundering mass in the ditch. A remnant of the fliers turned upon the pursuers and drove them back nearly a quarter of a mile across

<sup>1</sup> The name of this pah had been Taurakohea originally. The inland part was called Mangapiko. The whole was spoken of as Matakítaki. Some confusion has been caused by reference to the different names.

the level ground to the pah, but were again met by the fatal fire-arms, and fled to rally no more, nor even to pause until they reached Hangatiki, many miles away.

More than a thousand had been killed. Hongi revelled in his ferocity, and boasted that he had slaughtered fifteen hundred fellow-creatures at Matakitaiki.

The dispersion of the tribes from the Thames to the Waipa seemed complete. Men, women, and children, enslaved by hundreds, were carried to the Bay of Islands. The missionaries thought all their past efforts had been annihilated by Hongi's fell designs. It is one proof of the sagacity of Rauparaha that at this period he had though with difficulty, persuaded his tribe to abandon their homes at Kawhia and seek other lands, under his guidance, at the south.

But Hongi was still unsatiated. In 1823 he took his war-canoes down the east coast and sacked the Arawa stronghold at Maketu. Ascending a stream as far as the depth of water permitted, he dragged his canoes along a road which he made to Lake Rotoiti. The lake tribes were gathered in their pah on the island of Mokoia in Lake Rotorua. Their canoes were all carefully kept at the island, and they had laughed to scorn the idea that Hongi could assail them. Bringing canoes from the coast to their stronghold had seemed impossible. But the fleet entered Rotorua from Rotoiti, and made straight for Mokoia.

The pah was on a plateau overlooking the lake, on the south side of the hill which forms the island. Higher ground in the centre of the island overlooked it. The Arawa rushed to the water's edge to confront the enemy with spears and stones. They fell in heaps before the Ngapuhi fire-arms. Some fled over the spur of the hill to the pah. The pursuing Hongi, from the height above the pah, poured a murderous fire on the defenders. The pah was quickly stormed, and again a thousand Maoris were slaughtered by their countrymen. The miserable survivors escaped in canoes. This was the last of Hongi's great successes, but he never ceased to war upon the weak or the strong.

Another war-party of Ngapuhi, led by Tareha, besieged Waharoa at Matamata; but that wily chief, having stores of food, kept within his fort, until, when the Ngapuhi became

over-confident, he dashed upon them, slew several in close combat, and crucified several prisoners on the posts of his pah beneath the grinning heads which disfigured rather than adorned the posts. Then he sent a challenge to the gigantic Tareha:—"I hear you fight with the long-handled tomahawk. So do I. Meet me." But Tareha and his men withdrew.

The dragon's teeth of civilization had been sown, and the Maoris had reaped the consequences. Ere long the fiery and astute Waharoa was known to be plotting to drive the weakened Ngatimaru from their settlements on the upper part of the Thames valley. The land seemed given up to slaughter. Rauparaha had escaped the evil at Kawhia but he had carried it southwards. From Cook's Strait to Waitemata there was wailing and gnashing of teeth.

The missionaries were almost in despair. Their previous labours had not produced much apparent effect, and it seemed that all their efforts had been neutralized. If Marsden could have prevailed upon the Government to prevent rather than assist Hongi's baleful plans the result might have been otherwise. But with the guns obtained in England, and under the eyes of Governor Macquarie in Sydney, he had stalked through the land, and did not conceal his contempt for the persuaders of peace. But Marsden was as militant for good as Hongi was for evil.

In 1823 he took another Christian soldier into the field. Henry Williams, born in 1792, had entered the navy in 1806. Serving gallantly at Copenhagen and elsewhere (being on board of the 'Endymion' when she captured the 'President'), he had retired on half-pay. A relative, the Rev. E. G. Marsh, was an active member of the Church Missionary Society. In 1819 Williams was preparing himself for mission work in New Zealand. In 1822 he was ordained, and when the deeds of Hongi struck the Society with horror, a change of field was offered to him, but he persevered in his plans. In 1823, with his wife and three children, he was at Marsden's home, assisting in parochial work. Marsden had not lost courage, for Williams wrote to Marsh, "He is in great spirits at present about the mission." Two Maori chiefs assisted Williams, at Paramatta, in learning their language.



In August, 1823, Marsden landed at the Bay of Islands with his new friend, who, like himself, knew the dangers of the task before them, but had courage for them all. Paihia, on the opposite shore to Kororarika, was chosen as the scene of Williams' labours. Whether from old association or from compunction, the powerful Hongi still condescended to patronize the missionaries, although he never professed Christianity. His reputation was a partial protection for them from meaner people.

When Williams arrived the war-party of 1823 was absent on the east coast. Not long afterwards peace was made between the Waikato and Ngapuhi tribes. Te Kati and other chiefs visited the ferocious Hongi at the Bay of Islands. A chief woman of the Ngapuhi was given in marriage to Te Kati, who was brother of Te Whero Whero, and Rewa and sixty Ngapuhi chiefs accompanied the bride, Matire Toha, to her new home. There they tarried two years amongst those whom they had so murderously treated at Matakitaiki, and they formally restored them to their lands to which Hongi's conquests had acquired presumptive titles for the Ngapuhi.

The reconciliation of the great tribes of Waikato and of the Bay of Islands removed one stumbling-block from the path of the missionaries, who then dwelt at the Bay of Islands, and relieved the isthmus of Auckland from some of the horrors which had converted a pleasant land into a waste, where, in the language of a Maori witness (Warena Hengia, in 1869), "all the men were wandering about the face of the earth." "All that men then thought of" (said Hori Tauroa) "was to save their lives and to get guns." The procurement of guns was the one thing in which the missionaries would not assist. But without stern efforts on the part of the British Government no check could be imposed. Marsden and his friends did what they could. They offended many chiefs by resolute resistance to the importation of fire-arms. But hoes, spades, and axes he distributed largely. "They" (he said) "are silent but sure missionaries. . . . The natives have made considerable advances in civilization." One missionary had lent himself to the introduction of fire-arms. He was dismissed, and Marsden had to argue much before he could convince the chiefs that the



dismissal was just, and that no missionary could be allowed to sell muskets and powder. They admitted at last that if the man had disobeyed positive orders he was rightly discharged.

It was perhaps fortunate that the wreck of Marsden's vessel detained him two months at the Bay of Islands, and enabled him to acquire "great confidence" in Henry Williams, and commend him successfully to the Maoris.

Mrs. Williams required heroic virtues for her post as wife of a missionary. She gratefully saw the loving estimation in which Marsden was held. When Marsden's vessel struck as he was sailing away the chiefs prevented plunder. All property was saved from the wreck. When Mrs. Williams landed at Paihia the natives crowded round to shake hands, exclaiming with glee, "The wife (Te Wahine): Tena ra ko koe, Homai mai te ringaringa,—How do you do? give me your hand." The bold apostle and his wife soon found themselves "comfortable, nay, never more happy" than in their noble task.

Occasional outbreaks marred their peace. It was Maori law that if a man were hurt, or lost anything, he might make reprisals against any of the tribe of him who robbed or injured in the first instance. A rude chief determined to take something by force, leaped the fence of the mission-house, and, with all the savageness of his race, demanded payment for an injury done to his foot against the fence. For more than two days he indulged in frantic exhibitions, threatening to burn the house. He was quiet while the family were at prayers. Mrs. Williams sent him some tea in the morning, and "hoped it might prove a quieting draught, but before long he was again prancing about in the yard with others, hideous figures armed with spears and hatchets, and some few with muskets."

Notwithstanding these freaks the worthy Christians (said the Bishop of Waiapu, W. Williams, the brother of Henry) "were able to lie down in peace every night, without fear of molestation, the windows not secured, and in a raupo (rush) hut, which would burn to the ground in less than ten minutes." They trusted in God and were instant in prayer.

The first-fruits which they had reason to believe had been yielded to their Master were shown by a chief, who had been Marsden's guest at Paramatta. Whatu had then heard but not

understood. Now he came with more willing mind, and there was hope that he was comforted by Christian faith.

In 1824 Rangi, a chief from Bream Bay, went with his people to live near Paihia. He was an ally of Hongi, but retired from Bream Bay to avoid surprise in case the incensed natives of the Thames should plan a murderous revenge on Hongi's friends. He inclined seriously to hear the Gospel. He induced his followers to respect the Sunday. He became a true disciple, humble, yet hopeful. Before his death in 1825 he said: "I have prayed to God and to Jesus Christ, and my heart feels full of light." He had been steady in his conduct for many months, and Mr. Williams baptized him. "This," says the Bishop of Waiapu, "was the first Christian baptism, the earnest of a large harvest, which, in God's appointed time, was to be gathered in. Whatu and one or two others may have gone before, but now was Christ acknowledged in a more open manner."

Reflecting that angels rejoice over the repentant, Marsden and his devoted assistants took comfort, and were cheered by Rangi's example, although the family of the chief did not seem inclined to follow it. Ten years of mission labour had been undergone before the first-fruits of the harvest gave cause for rejoicing. Hongi meantime pursued his deadly course, and perished by it.

About 1825<sup>1</sup> or 1826, he fought a battle against the Ngati-whatua and their allies, and an Englishman, who professed to have been amongst the latter, described it. The march of the Ngatiporou contingent from the East Cape shows the hatred entertained against Hongi for his southern raids. Rutherford, the sole survivor of the crew of the 'Agnes,' destroyed by the Maoris on the east coast in 1816, had been treated as a chief by the Ngatiporou, and accompanied his tribe with a war-party five hundred strong, inclusive of slaves. Many of the latter were sent home when the provisions they carried were consumed. The journey occupied five weeks. Eleven hundred Maoris

<sup>1</sup> Some accounts place this battle in 1826, but if Rutherford escaped (as he said) in January, 1826, the battle must have been fought as early as 1825. He was not intelligent, and cannot, I think, be relied upon, though his narrative is interesting, and probably written in good faith.

received Rutherford's friends at Kaipara. The food of the army was fern-root, cockles, and fish. On the opposite side of a wide river four hundred of the enemy waited for reinforcements. Heralds passed to and fro between the foes. One told Rutherford that a white man in Hongi's army wished to see him; and that the chiefs, who also desired to see him, would grant safe conduct and return. Rutherford's father-in-law, 'Aimy,' consented. The tattooed Englishman accepted his dangerous mission; and was saluted by the enemy chiefs in the usual manner by the rubbing of noses. The white man with Hongi's forces was also living with a Maori woman at Hokianga. He admitted that he had been a runaway from a sloop of war, and might have added that he had been formerly convicted of theft in Sydney. Rutherford saw a slave brought before Hongi, who smote him dead and devoured his heart upon the spot. Rutherford was told that the slave had stolen Hongi's armour, and was caught in the act of decamping with it to the enemy. Rutherford returned to his friends. "The two parties," he said, "had altogether about two thousand muskets among them."<sup>1</sup> Rutherford was not required to fight, but stood with a double-barrelled gun; his wife and two slave girls being seated at his feet. The commanders on each side stood forth and commenced the war-song. Both parties then danced the war-dance, singing, and brandishing their weapons in the air. Each array was formed in line two-deep, the women and children being about ten yards in the rear. Advancing, till they were about a hundred yards apart, each side fired a volley. The muskets were thrown behind for the women to collect; tomahawks and mōrēs were drawn, and with yelling war-song both sides rushed to close combat. The women and boys followed with "most shocking cries." The enemy after a few minutes fled. One of them threw a short spear at Rutherford as he passed, and wounded him in the thigh. Rutherford's friends returned with nearly forty bodies of the enemy to be devoured. Hongi (who usually had five guns in battle, with four attendants to load them) had shot one of Rutherford's tribe, but the body was rescued. On

<sup>1</sup> "They have at this time many thousand stand of arms among them, both in the Bay and at the river Thames." Davis, missionary ('Missionary Register,' 1827).

the other hand, a son of Hongi had been killed, and the head was taken back to the east coast as a trophy.

Such was Rutherford's narrative, which is partially confirmed by other accounts. But whether the sequel was known to him or not, it was fatal to his friends. Hongi speedily avenged the temporary defeat of his forces, and drove the Ngatiwhatua and their remaining friends to Waikato.

There are conflicting accounts of subsequent events, but it is said by the Ngapuhi, that Hongi with a small but daring band traversed Waikato in pursuit of the flying Ngatiwhatua, and finally wreaked his wrath by slaughtering the fugitives at a pah in the Waikato district, after warning the Ngatipaoa hosts of the Ngatiwhatua not to interfere between him and his prey. It is stated that in storming the pah Hongi was aided by Waharoa's tribe the Ngatihaua.

This was the culmination of his successful ferocity. His countrymen, goaded by fear and revenge, imitated his example. When soon afterwards a Ngapuhi war-party led by Pomare invaded Waikato they found fire-arms arrayed against them. Not stupefied as at Matakiki, but artful as their foes, the Waikato warriors surprised the invaders at Te Rore, and hardly a man returned to tell the tale. Hongi's brutal schemes recoiled upon himself. Fire-arms in other hands were destructive as in his. He fell eventually in domestic strife. Matuku, his nephew, intrigued with one of Hongi's wives, and on the fact becoming known shot himself.

Hongi, to vent his spleen or satisfy his lust for blood, attacked his own friends at Whangaroa in January, 1827, and while pursuing was wounded by a bullet which pierced his lungs. His death was expected, and as he had been in his peculiar manner a patron of the missionaries, they might, by Maori usage, be pillaged by any of the tribe. Even his wound would justify such conduct. In effect a marauding band plundered and burnt, on the 9th January, 1827, the Wesleyan Mission station at Whangaroa. The Maori servants had fled beforehand. No life was taken, but the missionaries and their families went forth terrified and destitute to seek Kerikeri, the Church of England station twenty miles distant.

At that station, and at Paihia, another trouble was at the

moment ripe. A brig, the 'Wellington,' carrying convicts to Norfolk Island, had been seized by the prisoners and taken to the Bay of Islands on the 5th January.<sup>1</sup> On Sunday, the 7th, while a gale prevented egress from the harbour, two whaling captains of the 'Harriet' and the 'Sisters,' fired upon the 'Wellington.' The convicts capitulated on condition of being allowed to land. As they landed the Maoris captured them. "Tapsell," a Pakeha-Maori, was then chief mate of the 'Sisters.' The Maoris guarded the convicts at Kororarika, but they were a source of terror to the missionaries when on the 10th they heard of the destruction of the Wesleyan Mission station at Whangaroa. Henry Williams and Mr. Davis nevertheless started with sixteen Maoris to the relief of the homeless Wesleyans. William Williams and Mr. Fairburn mounted guard at Paihia. Apprehensive of a plundering party the Maori domestics had fled from the missionaries at Kerikeri. On the 11th Henry Williams took the houseless wanderers to his wife's care at Paihia. The 'Sisters' after a few days sailed to Sydney, with most of the run-away convicts, and with the Wesleyans. The Maoris demanded and obtained a musket and gunpowder for securing each convict.

Mrs. Henry Williams wrote in her Diary on the 19th January : "All the tribes are rising there (at the north); some to avenge Hongi's supposed death; some to oppose his avengers."

Hongi's wound embittered his wrath. He captured a pah, and ordered indiscriminate slaughter of man, woman, and child. Only slaves were to be spared. He sent for William Williams, who found him encamped in a pah he had captured. He was dejected only lest his wound should incapacitate him for further conquests. He was courteous to Williams, and a few weeks afterwards visited Paihia with a hope to benefit his health. Returning to Whangaroa while he brooded over future wars as 'utu,' or satisfaction for his wound, he died on the 6th March, 1828, exhorting his followers to be bold in resisting any force, however great.

He was asked, by an attending savage, "who should be killed

<sup>1</sup> Recently, 1880, under the title 'Scenes from the Life of John Marmon'—an erroneous version of the capture of the Wellington, as of many other events, has been published.

in satisfaction for his death," but answered that the only 'utu'<sup>1</sup> he required was bravery of his tribe in war. He breathed his last breath as he uttered "Kia toa. Kia toa." (Be courageous. Be courageous.)

Though he never professed Christianity, he sent his children to mission schools, and he would not permit the priests to perform the Maori incantations before his death. He commanded that no slaves should be sacrificed upon his grave; and he urged his followers to be kind to the missionaries, who were "doers of good."

Had he died soon after his wound it seemed almost certain that the Church of England Mission stations would have been destroyed like the Wesleyan, but Hongi's transfer of his residence from Kerikeri to Whangaroa contributed to a different result. Because his immediate connection with the missionaries had been for a time broken, it was by Maori custom less incumbent upon Maoris to rob his friends.

Thus the Church of England Mission stations were saved, when the great Hongi died as he had lived—in blood. His deeds can best explain his character. Though he was of the class "conqueror" there is no reason to suppose that he was as corrupt as Julius Cæsar. He bribed no Curio, but he would have been proud to eat Pompey.

On the other hand, he was no lawgiver. He sent his children to school because, like many Maoris, he valued mental training.

To secure European tact, the New Zealanders had created a singular institution already alluded to in the first chapter. Many white men had taken up their abode amongst them. Masters of whaling vessels obtained Maori wives with facility, and sometimes abandoned them, without remorse, at a different part of New Zealand, or even on foreign shores. Some white men took Maori wives and cherished them as lovingly, and were loved in return as dearly, as if the partners had been of one race. Runaway sailors, desperadoes of every kind, were among the white clients of the Maori patron. Many a daring deed was

<sup>1</sup> "Utu" was a comprehensive word. It might mean a return, a payment, a ransom, satisfaction for injury, a compensation: and was so closely allied to "uto" or revenge, that the satisfaction for injury was almost synonymous with the hatred which demanded it.

done by the foreigner. He was possessed moreover of the musket or fowling-piece, which while rare amongst the Maoris was a sign of power. The white vassal was called Pakeha Maori, and knew his Maori patron as his "Rangatira" or lord.

Hongi's plans diminished the value of a common Pakeha as the possessor of fire-arms, but the white man of intelligence and education was valued as the channel for trade, and the purveyor of luxuries; the greatest of which was a gun. Not Hongi alone, but the wily Rauparaha at Cook's Straits accumulated ammunition and supplies.

One craving passion ruled the Maori mind. Power to conquer, power to defend, could only be found in fire-arms. The quantity obtainable for a given amount of native products depended on the intelligence and honesty of the Pakeha friend.

Many Europeans had been treated as slaves before Hongi's campaigns. Afterwards, the Pakeha Maoris increased twenty-fold. In 1840 there were said to be 150 of them. In that year the establishment of English settlements at Wellington, and in the north, palsied their importance, and their number rapidly dwindled away.

One English witness saw on the Upper Wanganui river, a 'Shakspeare' and a 'Classical Dictionary,' which the Rangatira said had belonged to his deceased Pakeha Maori. The wit and wisdom which might belong to such a man were shown in the celebrated F. E. Maning, whose name has been already quoted in these pages, and will be found again.

Shrewdness and honour induced respect for some of the Pakeha Maoris, but as a rule they exercised no wholesome influence, and rather injured than promoted the aims of Marsden to humanize the war-loving Maori. One, whose life was prolonged until 1880, was so firmly believed to have partaken in feasts on human flesh that for years he was called by an appropriate name.<sup>1</sup>

There was one of them who had no choice when he was adopted.

John Rutherford, an Englishman, after various marine adventures, shipped on board the 'Agnes,' an American brig,

<sup>1</sup> "Cannibal Jack." Born of convict blood he was himself a criminal. His 'Reminiscences' were published in 1880 as those of "John Marmon."



trading for pearls and tortoise-shell, and carrying six guns. Intending to touch at the Bay of Islands, the master, one Coffin, was driven to the southward, and anchored at Tokomaru in March, 1816. The Maoris offered mats for sale and carried water and pigs to the ship. Rutherford says that they began to pilfer lead from the ship's stern, and drew nails out of the boats. Coffin, suspecting danger, made arrangements to leave, but the Maoris anticipated him, murdered him, the mate, and the cook, and bound the twelve others who formed the crew. The cable was cut, and the 'Agnes' drifted on shore, and was burnt.

On the following day six more white men were killed and eaten, after being cooked in Maori ovens before the eyes of Rutherford and the survivors. Atrocious as were these deeds, the surprise in England was qualified by the fact that, within a few years, at least a hundred Maoris were murdered by Europeans at the Bay of Islands.<sup>1</sup>

Loaded with plunder the natives took Rutherford and his remaining comrades to the interior. The captives were stripped and held on the ground for four hours while they were tattooed. Nearly the whole of Rutherford's face, the lower part of his arms, his breast, and part of his body, were deeply scarred and coloured with dark pigment. For three days the victims were in a state of "tapu," and not allowed to touch food with their hands, but were fed by women who treated them kindly.

The six tattooed captives were gradually dispersed in the possession of different sections of the tribe. Rutherford and another were left with the chief Aimey. They acquired the use of the language, and went out fishing and shooting. Their lives appeared safe. One of them lent his knife to a slave to cut rushes for repairing a house. He afterwards peeled potatoes with it, and gave some of them when cooked to an old woman (the mother of the chief Aimey), who was ill, and who ate them in the presence of the Maori doctor. She died on the following morning, and funeral obsequies showed that she was a notable person. On the third day some hundreds of the assembly cut themselves and wept, and the ordinary occupants of the village, including the white men, sat down to feast upon provisions brought by the numerous visitors. On the fourth morning only

<sup>1</sup> 'Proceedings of Church Missionary Society,' vol. v., p. 465.



the men appeared, formed in a circle round the body which was in state, in a sitting posture.

The old woman's doctor strode up and down within the circle and explained the course of her illness to the questioning chiefs. Rutherford and his companion understood the dialogue. The doctor retired, and a chief of importance, adorned with the feathers of the "huia," and striding up and down in the circle, declared that in his opinion the woman's death was caused by eating potatoes peeled by a white man's knife after it was used for cutting rushes to repair a house. The man to whom the knife belonged ought therefore to be killed in honour of the old woman.

The proposition was favourably accepted, and Rutherford went into the circle to argue against it; pleading that even if the act of his comrade was wrong, ignorance of their customs might excuse it. He besought Aimy to spare his friend, but Aimy sat motionless mourning for his mother, and while Rutherford was yet speaking the chief with the huia feathers smote the white man dead with a mērē. Aimy did not allow the man's body to be eaten, and Rutherford caused it to be buried.

Some time afterwards Aimy, commending Rutherford's activity in shooting and fishing, proposed to make him a chief. Rutherford consented. His hair was cut in front with an oyster shell. Mats were presented to him, and a green-stone mērē. Having to choose wives he took Aimy's two daughters. In Rutherford's wanderings with the tribe he met an Englishman in like circumstances to his own, but not, like him, desirous to escape. In 1825 or 1826 he was with his tribe at Kaipara and saw Hongi's temporary defeat, as already described.

He had not long returned to the east coast when signal fires announced that a vessel had arrived at Tokomaru. Preparations were made to capture her, and Rutherford was deputed to decoy her people. With the son of a chief and four slaves he went in chief's attire in a canoe to the ship, not yet at anchor.

The ship was American. Rutherford warned the captain of the plot. The chief's son was flogged upon a charge of stealing, and put back into the canoe, and Rutherford was carried away and landed at Tahiti.

He worked there as a labourer for the British Consul, went

to Sydney in 1827, found his way to Rio Janeiro, and obtained a passage to England in the frigate 'Blanche,' in 1828. He gained money by exhibiting his tattooed body, and his adventures were published. His new life had no charms for him. He wished to return to Tahiti, and thought that if he could go to Tokomaru with "a blacksmith and plenty of iron," his Maori friends would receive him gladly (on the supposition that he had been forcibly kidnapped when he escaped), and that he would be able to make much money by trade.<sup>1</sup>

As a record of New Zealand after the introduction of fire-arms his personal observations deserve mention.

Local differences in New South Wales had deprived Marsden of active co-operation on the part of Governor Macquarie in evangelizing New Zealand. Marsden was one of those who successfully resisted the endeavour of the Governor to force emancipated convicts into society. They were found at Government House, but not at the private houses of the colonists.

These differences somewhat marred missionary labours in New Zealand, where Macquarie exercised a quasi authority, and whither Marsden could not go without leave. Sir T. Brisbane, who became Governor in 1821, sympathized with the chaplain. But it was difficult to ward off the importation of fire-arms amongst a race so greedy to obtain them.

The influence which Marsden had obtained, not only as evangelizer but as introducer of arts and promoter of agriculture, had waned under Hongi's baleful star. His own conduct had been impugned by the chiefs when a trading missionary had been dismissed. Nor could Marsden resent inquiry into it.

In spite of his ferocity Hongi himself submitted to decisions duly arrived at. He was amenable to Maori law like the meanest of his brethren. The Rev. Henry Williams wrote (16th March, 1827): "If a chief be insulted he is visited by (taua muru) parties which strip his plantation or property of any kind. If he meet with an accident it is the same; so also when he dies. In these cases the whole tribe suffers. Hongi has several times been subject to this compliment within these two years. Once he was severely hurt by the falling of a tree;

<sup>1</sup> A detailed account of Rutherford is to be found in 'The New Zealanders,' published in the Library of Entertaining Knowledge, in 1830.

they commenced the pillage immediately, and he was visited by parties from all the northern part of the island. He has been several times served in this way, owing to the death of his son and some of his wives," &c. The greater the plundering band the higher was the compliment to the victim of "muru," and the more incumbent it was upon Hongi to maintain a Spartan demeanour under the infliction.

Marsden had the good sense to make allowance for the faults of his disciples. Writing to England after he had left Henry Williams at Paihia, he said that "agriculture had increased twenty-fold since the New Zealanders had got hoes;" that able missionaries were required; that the natives were "a wise and understanding people. Their study is human nature in all its bearings; they talk more of the heart of man than we do, and of the evil that is lodged there. . . . Cannibalism is interwoven through the whole of their religious system. They offer up human sacrifices as sin-offerings. . . . Their eating human flesh has its origin in superstition. . . . As for their wars, these will not be prevented until an object can be found that will employ their active minds. . . . Agriculture and commerce are the only means that promise to remedy their civil wars. . . . To bring this noble race of human beings to the knowledge of the only true God and Jesus Christ is an attempt worthy of the Christian world."

On one point only did Marsden differ from Henry Williams. Marsden ever contended that civilization must pave the way for the conversion of the heathen. Williams urged that first of all "the seed of eternal life should be sown." The labours of both were strenuous, and were not clogged by any theoretical differences.

But war still raged, and when in 1827 the Wesleyan Mission premises at Whangaroa were destroyed and Marsden's own friends were in danger he hastened to them. The storm had passed away and he remained but a few days at the Bay of Islands. Soon afterwards he circulated translations of portions of the Bible into the Maori tongue; but much as he hoped for from the Sacred Word he was constrained to admit that the tide of events necessitated some European (therefore some English) interference.

Weakened by wars, the tribes, nevertheless, would not or could not unite under an Egbert. Hongi had failed in his subjugation schemes and was dead. It was surmised, though doubtless with exaggeration, that fire-arms and new diseases had, in twenty years, swept away one hundred thousand natives.

Kororarika had become the gathering-ground of scoundrels of every dye. Beyond the control of law, their orgies were such as would defile the page of history.

Marsden reluctantly came to the conclusion that even for the sake of the Maoris British authority ought to be asserted. A brief experiment was actually made, in 1825, to form an orderly settlement, by purchase of land at Hokianga and elsewhere in the North Island. Lord Durham (then Mr. Lambton) was one of the promoters; but the project wanted the vigour which Gibbon Wakefield was afterwards to infuse, and the scheme of 1825 was abortive.

In 1826 some of the company's emigrants actually reached New Zealand, intending to take up lands on the Thames and at Hokianga. They did not remain long in the land. It was said that what they saw of a war-dance, and what they heard of cannibalism, cured them of their colonization scheme.

The agent, one Captain Herd, professed to buy land on behalf of the company, and without doubt some Maoris were willing to sell and to adhere to their bargains. The titles, such as they were, were bought up by the more important New Zealand Company, formed in 1839, of which Lord Durham was called the Governor, and amongst the directors of which were other names included in the unprosperous company of 1825.

One of the settlers who remained at Hokianga lived to a green old age.

A singular attempt to form a colony, French or English, or to found a sovereignty in his own name, was made by one Baron de Thierry in 1822. The son of French parents, he had been partly educated in England. He had held a minor diplomatic appointment, and had been in an English regiment. He appeared to think that, if the English Government were slow to recognize him, he would cast off his English skin and become a Frenchman whom France was bound to support. He had seen Hongi and Waikato with Mr. Kendall at Cambridge in

1820. His soul was fired with ideas of sovereignty. He invited Kendall's co-operation.<sup>1</sup> He declared afterwards that Kendall promised to buy for him all the land from Auckland to the North Cape. But as Kendall had been many years in New Zealand, and knew something of Maori customs, it is impossible to believe De Thierry's statement.

Kendall did something for him. He bought, through three chiefs, about 200 acres of land at Hokianga for a few axes. Waka Nene, and his brother Patuone, were among the contracting Maoris, and their version of the sale is more worthy of credence than De Thierry's.

He bemoaned his hard fate in obtaining what he chose to call 40,000 acres for 36 axes, but recorded in his Diary a regret that his payment was so small.

Kendall could only say, "I have done as well as I could for you." The result was 200 acres, bought for less than 30 axes. But the purchaser determined to erect a sovereignty on such a foundation. He applied at once to Earl Bathurst for recognition. The Under-Secretary, Wilmot Horton, replied (Dec. 1823), that New Zealand was "not a possession of the Crown." He applied to the French Government without success. He endeavoured to "assemble a colony" in London. He failed. He rushed to France to plead his rights in person. He found his countrymen offended because he had in the first instance applied to England.

In 1826 he opened an office in London and received applications from intending colonists who might have been impressed by Falstaff.

To add bitterness to failure, he saw what he called a "rival scheme," Lord Durham's Company, send out their expedition under Herd. In due time he learned the failure of his rivals.

He went to America, still thinking of his "Hokianga property," but also revolving schemes for cutting the Isthmus of Panama, and colonizing on a scale which the world had never seen. He found sympathizers, but they were not monied men, or they would not devote their money to his objects. He roamed from city to city. He was at Guadaloupe in 1834, on

<sup>1</sup> I have used in this sketch a MS. autograph, by De Thierry, with the necessary precaution where corroborating evidence is required.

his way to Hokianga; and, going from Guadaloupe to Panama, at last found conveyance to Tahiti in 1835, and met a rebuff from Mr. Busby, British resident at New Zealand, who denied De Thierry's claims in a manner to be told hereafter.

The failure of the English Company in 1826, and the frustration of De Thierry's early schemes, left the missionaries to fight the battle as they best might against the evil passions of the Maoris and the lawlessness of the abandoned Europeans.

They did, after Hongi's death, prevail upon offended tribes to lower their weapons. A Bay of Islands chief had been shot in a quarrel. A Ngapuhi chief Whareumu went with an armed band to examine the case. There had been much discussion, and peace seemed assured, when excitable spirits brought on a battle. Whareumu was killed and his friends were driven off. Maori law demanded revenge for Whareumu's death. Maori armies were gathering in March, 1828, to extort it, although the injured and the injurers were in many cases close blood-relations. Some Ngapuhi chiefs, already influenced by Christian teaching or example, invited the missionaries to accompany their war-party and strive for peace. Henry Williams, Clarke, Davis, and Kemp accompanied the Ngapuhi chief Rewa, to Hokianga.

After several days, during which Sunday (as "ra tapu" or sacred day) intervened peacefully, the tribes separated without fighting. On the Sunday a congregation of 500 listened attentively to Divine Service. Seven hundred men, the greater part armed with muskets, paraded on the 24th March, danced in their savage manner, and by mutual arrangement fired volleys in the air. Then Rewa spoke for the Bay of Islands tribe in favour of peace. Patuone followed on the part of the men of Hokianga, and the missionaries were escorted to the Hokianga pah. Bullets, not intended to do harm, but as ebullitions of joy, were flying about in all directions until the missionaries entered the pah, when the chiefs succeeded in checking the demonstrations of their people. Thus, for the first time, the gospel of peace prevailed in the mouths of the grateful missionaries.

Having once acted as peace-makers they used their vantage-ground on other occasions.

In the end of 1828 they ventured to hold at Paihia a public

examination of their three schools situate at Rangihoua, Kerikeri, and Paihia.

The proceedings were opened with the Church of England Liturgy in the Maori tongue, and greatly gratified the relatives of the 170 pupils assembled.

An examination was held in 1829 at Kerikeri with similar results. Early in 1830 Taiwhanga, a great warrior in Hongi's wars, was publicly baptized, and the missionaries entertained hopes of other conversions.

Mrs. Henry Williams wrote (Feb. 1830): "When I saw Taiwhanga advance from the other end of our crowded chapel, with firm step and subdued countenance, an object of interest to every native as well as to every English eye, and meekly kneel, where, six months before, we had, at his own request, stood sponsors for his four little children, I deeply felt that it was the Lord's own doing."

The conduct of a master of a whaler dashed the high hopes of the missionaries. He had cohabited with a Maori woman of Kawa Kawa, and had abandoned her for a daughter of a chief at Kerikeri. Maori law demanded reparation. The friends of the injured woman determined to avenge her wrongs. The tribes mustered. Eight hundred men opposed six hundred. Vainly the missionaries raised their voices on the field of battle. Henry Williams looked in vain for a chief of importance as he stood between the armies, concealed from one another by fences and leafy screens, and distant but few yards apart.

When a conference was at last brought about, it was rendered null by a casual shot, and in the consequent resumption of battle (6th March) the fall of a great chief, Hengi, who had rushed between the combatants to stay them, seemed to make peace impossible. A hundred lives were lost. The native houses at Kororarika were in flames. The deck of a vessel in the harbour was covered with the wounded Kororarika warriors. The enemy, from Whangaroa, had withdrawn but a short space from the field of battle.

At this juncture Samuel Marsden appeared upon the scene (on the 8th March, 1830). His arrival was opportune. Two thousand armed men were ready to renew the fray of which the battle of Kororarika was but the beginning. In each camp



were near relatives to many in the other. Fathers had fought against sons, brothers against brothers. During the truce they mingled freely with the ranks against which they had fought and were about to fight again. It was rumoured that all the men of Hokianga were about to march to take one side or the other. A "tremendous shout" announced (Mrs. Williams wrote) "a ship, Mr. Marsden!" It was echoed on the shore, and the old man landed with his daughter. The mission was in danger, as were the whaling vessels anchored in the Bay.

Marsden visited the victors, and was well received. He turned to the worsted, and found them thirsting for revenge. "The war had been caused by an Englishman; what satisfaction could Marsden give for the lives lost?" Marsden could give no satisfaction, but would write to England to prevent the ship-master's return. The natives begged him to do nothing of the kind: they longed for the man's return, that they might take their revenge. A whole day was spent in parleying. In the morning it was decided that Marsden and his companion missionary, Henry Williams, should, with two commissioners from each camp, arrange a peace.

On the following day, Sunday, Marsden preached, contrasting doubtless, in his sermon as in his journal, the two shores of the Bay. Decently clad natives reading the Litany in their own language on one side; on the other, wrath, and preparation for war.

The peace was unconcluded. On Tuesday thirty-six war-canoes came upon the scene. The women were left behind. None but fighting men were on board. Marsden hastened to intercede. The native commissioners told him that if peace should not be concluded he must die like the rest.

"The whole day was spent in deliberation: at night, after a long oration, the great chief on one side clove a stick in two to signify that his anger was broken. The terms of peace were ratified, and both sides joined in a hideous war-dance together, repeatedly firing their muskets. We then took our departure from these savage scenes with much satisfaction, as we had attained the object we were labouring for."<sup>1</sup>

<sup>1</sup> The sons of the slain Hengi, dissatisfied with the peace, but prevented by tribal honour from breaking it, led a war-party to the south to avenge



Other and less discouraging scenes followed. He married some converts, and at an earnest service, at which the widow of the great Hongi was present, she could but ejaculate "Astonishing!" as she saw the fervour of her country-folk.

In the end of 1830, the tribes which had been recently arrayed against one another in war were represented by peaceful delegates to the Maori school examination at Paihia. Two hundred pupils were collected.

Early in 1831 the sons of Hengi having feasted on the slain in the south at Mayor and Motiti islands, in revenge for their father's death elsewhere, were themselves surprised and slaughtered by the enraged enemies, and a general war to avenge so much noble blood seemed impending.

The missionaries devised an embassy to the south, whence an ambassador from Rotorua had already been sent to ask for a missionary. When at Paihia, in 1828, the Rotorua chief, Pango, had been saved by Mr. Williams. A plot had been laid to massacre Pango and his friends. Williams took them on board ship, and sailed away with them in the night. Hence the embassy from Rotorua in 1831. The Rev. H. Williams and Mr. Chapman went to Ohinemutu at Rotorua, preached, conversed, and prayed.

The Maoris were greedy to learn letters, and to read and write the language of their forefathers. In half-an-hour one young man had learned the alphabet and was teaching it to his eager comrades.

The efforts of the missionaries to restrain the Ngapuhi from avenging the sons of Hengi were not successful. The future Bishop of Waiapu, William Williams, in vain aided his brother. The Ngapuhi led a war-party to the Bay of Plenty; and though the missionaries were allowed to cross from camp to camp in peace, neither the Ngatiawa nor the Ngapuhi would accept their counsel.

In 1833 the Rarawa from the north plunged into the fray, and the missionaries, in despair, left the murderous work which they were unable to arrest.

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by the spilling of blood the death of their father. They slew many Maoris with whom they had no quarrel, and sowed the seeds of a long war with the men of Tauranga.

An event occurred at the same period which led to important results. A whale-ship becalmed at the East Cape received on board twelve Ngatiporou. As they slept on board, a breeze carried the vessel northwards. The master, whether ignorant or reckless of Maori usage, landed his unwilling guests at the Bay of Islands. The Ngapuhi distributed them amongst their chiefs as slaves. The missionaries pleaded against the injustice of enslaving those who had been brought against their will to the place, and a sense of right induced the chiefs to consent that the Ngatiporou should reside at the mission station until they could be returned to their homes in the mission schooner. After eight months they went home with the future Bishop of Waiapu. Other Maoris, released from slavery, swelled the number of returned exiles to thirty, who were returned to their friends in January, 1834.

Nothing had been heard of them by those friends since their departure. Their joy was unbounded. Their gratitude to William Williams was wild. They had been assembled for war when the schooner arrived, but they said : " Give us missionaries to teach us and we will cease to war. We like what you tell us ; but when you are gone who shall teach us ? "

He preached to five hundred of them on the site of his future bishopric, and fixed upon it in his own mind as a mission station. He saw the ruins of pahi, sacked by the Ngapuhi in years by-gone, and extending his researches to Table Cape, he heard that thither had been gathered the Maoris, hunted by Rauparaha from Wairarapa, near Cook's Straits. They were protected by Te Wera, a Ngapuhi chief, who, having under Hongi's banner conquered and enslaved at Table Cape, after a time enfranchised his prisoners, went with them to their home, and was received as their own chief. With him Rauparaha had no desire to be at feud, and under his Ngapuhi " mana " the land had rest. The long strife between the Ngapuhi and the men of Tauranga also came to an end without signal defeat of either party, the wearied invaders finally abandoning the feud which the sons of Hengi had so wantonly originated.

Shocked at one form of atrocity which was encouraged by Europeans, Governor Darling, in 1831, made it known that the English Government reprobated and would punish it. The heads

of slain Maoris, dried by their slayers, had become the object of a brutal traffic. In ancient days the conqueror kept his enemy's head as an enduring trophy. But curators of European museums, careless as to causes of death, set a high value upon heads thus cunningly preserved. A trade grew up. At first hardly secret, it soon became shamefully open, although it was known that, in their desperate strife for fire-arms, Maoris, to procure guns slaughtered their slaves in order to exchange heads for guns.<sup>1</sup>

Brutal traders added heads to their ordinary exports. One of their transactions aroused the wrath of Darling, and relegated the trade to secrecy, if it did not destroy it. In one of the Ngapuhi raids upon the Ngatirangi at Tauranga in 1830 some of their men were killed, and the heads were prepared for sale. A debauched ruffian named Jack, the master of a schooner (the 'Prince of Denmark'), bought them. Touching at Kororarika on his way to Sydney, while many of the Ngapuhi had boarded his vessel, the brutal trader brought upon deck a sack from which he rolled out a number of heads which the Ngapuhi recognized as those of their lost friends. Terror, weeping, and rage broke forth, and the Maoris fled to the shore. The trader, alarmed lest they should return in vengeance, fled to sea. Rumour accompanied him. When he arrived in Sydney Governor Darling promptly proclaimed that such atrocities would be severely punished. He demanded the restoration of the heads to the friends of those "to whom they belonged." He imposed a fine of forty pounds for each infringement of his order, and determined to publish as marks for detestation the names of all engaged in the inhuman traffic. It was, he said, his "imperative duty to take strong measures for totally suppressing the inhuman traffic which the masters and crews of vessels trading between New South Wales and New Zealand" were pursuing.

The word of a governor was potent in those days, and it served to strengthen the missionaries in their contest with the evil agencies of their countrymen. When he issued his edict to stay the traffic in heads (April, 1831) he had already commanded that the master of a trading vessel should be prosecuted for

<sup>1</sup> The Pakeha Maori ('Old New Zealand') tells of an instance in which a fine head was coveted, and its owner was killed to gratify this horrid lust of the trader—for the usual consideration.

an atrocity committed in New Zealand. The result (King v. Stewart) will be told elsewhere.

But the career of Waharoa the Ngatihaua for many years had boded ill for missionary influence. As ferocious as Hongi, he was more astute, and knew how to obtain power without the crushing superiority of weapons possessed by the Ngapuhi chief.

The Ngatimaru held Matamata while Waharoa was young. He had expelled them from it. His own stronghold had been Maungakawa, near the sources of the Piako. Between Maungakawa and Tauranga, Matamata was held by the Ngatimaru, whose territory also extended by way of the Piako swamp to the Waikato river, where Cambridge and Hamilton are now situated. Much of this territory they appear to have occupied peacefully after their flight from Hongi, but in process of time strife arose between them and the Ngatihaua. Until 1825 the Ngatimaru leader, Takurua, maintained his ground, although his tribe had been much weakened by the massacre at the Totara pah at the Thames. Waharoa proposed terms of friendship and joint occupation at Matamata. They were accepted. For two years the tribes lived like Romans and Sabines—*geminata urbe*. Then the Maori Romulus profited by the murder of his rival which he was thought to have contrived. He was on a journey to Tauranga when at midnight the Ngatihaua treacherously rose and murdered the Ngatimaru Tatius and most of his people at Matamata.

Thus Waharoa secured control of the upper Waiho, or Thames. He was nevertheless grieved to see the Ngatimaru assembled at many strong paks, especially Haowhenua<sup>1</sup> on the Horotiu or Waikato river (near Cambridge). There were assembled many who had fled from the shambles of Mauinaina and Makoia. Moreover, Waharoa in 1828 lost the support which he might have expected from the Ngatiraukawa. In that year they yielded to Rauparaha's solicitations, and large numbers migrated to share his fortunes in the south.

Haowhenua was not only a stronghold of the Ngatimaru. It intercepted Waharoa's communication with the Waikato people under Te Whero Whero, whose alliance Waharoa valued highly.

<sup>1</sup> The name "Hao" gathering as in a net, "whenua" the land, challenged the suspicion and animosity of the Ngatihaua.

He invited the co-operation of the Waikato and Ngatimaniapoto tribes in 1830. With two hundred warriors they joined him at Maungatautari, where his force, of his own people and numerous Ngaiterangi allies from Tauranga, amounted to seven hundred. The Ngatimaru, the Ngatipaoa, and their friends had gathered together to meet the coming storm. They marched to battle at Taumatawiwi, were defeated, and pursued to Haowhenua. The victors nevertheless had suffered severely. But for the courage and skill of Waharoa it was thought that they would have been beaten. He was shot in the hand and wounded by a tomahawk. He devised a plan for obtaining possession of Haowhenua without further loss. He was in the position of conqueror. He occupied the field of battle, and had possession of the bodies of the slain. But his men were weary, and the enemy were entrenched in fortifications. An accepted tradition<sup>1</sup> told that in the stillness of the night he sent a herald to announce that during four days the enemy might retire unmolested, but that if they would not do so, on the fifth day Haowhenua and all that it contained would be destroyed. "No answer was returned, but during the interval a multitude of all ages and sexes issued from the pah and marched in close order along the road by Matamata to the Thames." Slaves availed themselves of the downfall of their Ngatimaru masters, and by night deserted to the ranks of the conqueror. Such was the Ngatihaua tradition.

In 1871, when English rule had been set up in the land, and Judges of the Native Lands Court pronounced upon Maori titles, the Pakeha Maori, Judge F. E. Maning, with Judge Monro, delivered a decision upon tribal titles, accruing from the battle of Taumatawiwi, the retreat of the Ngatimaru (called in the judgment Maru-tuahu), and the extent to which the claims of the Ngatihaua encroached upon the former domain of their enemies.

<sup>1</sup> *Vide* 'Story of Te Waharoa,' by John A. Wilson. Auckland, 1866. The tradition is in keeping with the facts elicited forty years after the event. The spirit is the same, though the mode in which the wounded warrior sounded the enemy was not identical with the details of the evidence, nor was the evacuation of Haowhenua proved to have been effected with the dramatic rapidity implied in the popular belief. This is an illustration of the growth of a myth founded on truth and heightened in poetic effect, rather than perverted, while crystallized in oral tradition.

The Ngatihaua asserted a right to the Aroha, a tract of land on both sides of the Waihou river, where the Aroha mountain stood pre-eminent as an object of beauty seen from far and near, and was sometimes confronted and sometimes apparently left behind by voyagers towards it on the sinuous waters of the river. The tract in dispute was about two hundred thousand acres. The Ngatihaua claimed it by conquest, and the terms of the evacuation of Haowhenua, followed by sufficient occupation to establish a right.

The Ngatimaru denied the defeat of their forefathers, and declared that the terms of the evacuation gave no title to the Aroha, which had been in their possession subsequently. For both claims there was colourable evidence, for after the expulsion of the Ngatimaru from Haowhenua the Aroha was comparatively tenantless.

Witnesses on both sides admitted that the space which intervened between the abodes of the hostile tribes was unsafe, and that the Aroha was more often traversed by war-parties than occupied in peace.

Waharoa himself was said to have gone in person to take formal possession of Aroha, and allotted, with his chiefs, the eel-weirs and the lands to their people. If he had devoted his attention to the north it was thought that he would have put the matter beyond doubt; but war with the Arawa in the south engrossed him. As it was, he left a law-suit to his descendants.

When the Court sat in 1871, Ngatihaua chiefs who fought at Taumatawiwi gave evidence. At night, they said, Waharoa burned his own dead to prevent their bodies from falling into the hands of enemies, and was proceeding to attack Haowhenua in the morning when a humble deputation of unarmed Ngatimaru besought an audience. Among them were Taharoku and Tupua, of high rank.

"If you had beaten me," said Waharoa, "you would have taken my land. As you are beaten, my land returns to me, and you must go back to the Thames."

"How (said Taharoku) am I to get away?"<sup>1</sup>

<sup>1</sup> The laconic question was understood on both sides. How could hundreds of women and children pass safely through a hostile country? One witness said that Tuhua, who was distantly related to Waharoa, seeing

"You shall be led out," was the brief reply.

Peace was agreed upon. By the Ngatimaru account they retired within three months. The Ngatihaua witnesses said the evacuation was completed within three weeks. A Ngatihaua chief, Pakeraheke, and two chief women accompanied their enemies. Good faith was kept, and in three separate bands, by the Waikato, the Waihou, and the Piako rivers, the Ngatimaru retired without molestation. The death of Hongi, who had slaughtered the Ngatimaru at Totara, relieved them from fear of the Ngapuhi, amongst whom the missionaries were already obtaining much influence.

Amidst the conflicting evidence as to the Aroha land the Court determined that the Ngatimaru were never dispossessed to such an extent, and the Ngatihaua never occupied in such a manner, as to give the latter a good claim. On the contrary, it was held that the Ngatimaru had for twelve years after the battle of Taumatawiwi made incursions into Ngatihaua territory, and thus rendered it impossible for the Ngatihaua to occupy permanently the disputed land. The diversion of the savage abilities of Waharoa to his southern wars saved the Aroha district for one or two generations of the Ngatimaru. The death of Hongi had relieved them from fear of the Ngapuhi. But decimation as rapid as that of the tomahawk or the musket was to follow the advent of new enemies. Ten years after the battle of Taumatawiwi the sovereignty of the Queen was proclaimed. Though justice was the object of England, the destruction of the tribes has been more rapid under her sway than under the internecine strife of former years. In 1880 the coveted Aroha block was parcelled out for sale to English settlers.

It may be well to describe the condition of Waharoa's allies, the Waikato people, after the battle of Taumatawiwi in 1830.

After the crushing defeat at Matakiki, which did not affect Waharoa, there were raids in which the Ngatipaoa, claiming the same ancestor as the Ngatimaru, carried war into Ngapuhi territory.

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the burning bodies of the Ngatihaua (which if he had been a conqueror Tuhua would have joined in eating), gruffly said to Waharoa, "Why do you spoil my provisions?"



But the land of the Ngatiwhatua, about Auckland, had become a waste. The solitude which the Romans called peace, prevailed where, once, every hill had swarmed with men. It has been seen that in 1826 the Ngatiwhatua, after their defeat by Hongi, fled for aid to the Waikato, with whom Hongi had already concluded peace; and there, according to Maori tradition, Hongi entered into friendly relations with Waharoa, in order more completely to destroy the Ngatiwhatua, after their Ngatipaoa hosts had been induced to abandon their cause.

It is difficult to trace the fortunes of each hunted tribe. It is clear that peace was established between Te Whero Whero, the Waikato chief, and Hongi, a few years after the great slaughter at Matakiki. The marriage of a Ngapuhi chieftainess to Te Kati, and the visit of Rewa<sup>1</sup> to the Waikato tribes, were sufficient pledges of friendship—for a time.

But the pestilent lust for blood worked in the minds of the Waikato tribes. Before returning to the hereditary domain restored to his tribe, and taking up his abode near Auckland, Te Whero Whero, who so narrowly escaped death at Matakiki, resolved to prove his title to the lurid honours of a Maori conqueror. The redoubted Hongi was dead. The last expedition of the Ngapuhi against Waikato had been annihilated at Te Rore, and Te Whero Whero could safely make an excursion.

The Ngatiawa of the west coast, weakened by the loss of the band which in hundreds had, in 1827, followed Rauparaha to southern territories at Waikanae and Cook's Straits, were the unhappy victims.

At Pukerangiora, on an abrupt promontory, steeply scarped on the bank of the Waitara river, stood the Ngatiawa stronghold, in which the bulk of their people were collected. Towards the shore they looked upon their rich cultivations. Inland was a dense forest, and Mount Egmont reared its snowy cone in the south-east.

At Ngamotu stood another pah, opposite the Sugar-loaf Islands, near the site of the modern town, Taranaki. With the Maoris at Ngamotu were eleven Europeans, dissipated Pakeha-

<sup>1</sup> The man who had the moral courage to assist the missionaries in averting war at Hokianga in 1828.



Maoris, living with Maori Delilahs. From their own or other ships they had procured for their defence four carronades, in case of need.

In December, 1831, an immense war-party, under Te Whero Whero, invaded the land, and slew all they could capture. Terror seized the tribes, who fled to Pukerangiora, without delaying to lay in provisions. During twelve days they strove with their enemies—slaughter and famine. The killing of many besiegers whetted the revenge of the others. At last the starving people, rushing to escape, were pursued and captured. Then mothers, dreading worse horrors, threw their children over the precipice, and plunged after them into the yawning river below. How many were slain no man can tell. Two hundred were said to have been slaughtered on the following morning, many of them by the hand of Te Whero Whero.

Human flesh was feasted upon; and, not yet satiated, the inhuman horde passed on to Ngamotu. There three hundred and fifty Ngatiawa, aided by their Pakehas and carronades, were prepared to receive them. The carronades were respected, and a parley ensued. Skirmishes were followed by persuasion. The Waikato were willing to embrace as friends; but all the Europeans and many Maoris would not trust them.

More fighting ensued. Firebrands were thrown into the pah, but active exertions prevented conflagration. The invaders, confronted for the first time by cannon, speedily invented a method to avoid the effects, and approached the pah by sap. A schooner from Sydney arrived during the siege and supplied provisions to Ngamotu. The master had a conference with the Maori leader, but distrusted his promises. At intervals communication between besieged and besiegers took place; and the European defenders were permitted to buy ammunition from the enemy.

At last the Waikato army, in want of food, sent word that on the following morning they would storm Ngamotu. At dawn of day a storming party cut through the palisading, and fighting was carried on within the entrenchments. The Ngatiawa fought with desperation. The carronades hurled a hail of stones among the invaders. At last they gave up their task. The native garrison dashed out to wreak their savage

wrath on the wounded, whom the retreating foe was compelled to leave on the field.

Ngamotu was saved. The Waikato did not repeat their attack on any important scale, nor consummate their conquest by occupation. But, apprehensive of invasion, many of the Ngatiawa followed their countryman, Wiremu Kingi Te Rangitake, who had previously joined Rauparaha at Waikanae, and only a few remained at Ngamotu or sheltered in the forest on the flanks of Mount Egmont. As a last resort they had recourse to the largest of the Sugar-loaf Islands, Moturoa, whenever, between intervals of truce, they had reason to dread a fresh invasion. There they collected fuel and provisions and built houses on every plateau, so that they might guard their island rock. The works of Ngamotu were abandoned, and the guns which had preserved it were spiked. Richard Barrett, one of the English defenders in 1840, showed the place to the colonists of the New Plymouth Company. Amongst the other Pakeha combatants were men named Love, Oliver, and Wright. All of them after the siege found their way to Cook's Straits, then frequented by whaling ships. The name of the Ngatiawa chief who commanded at Ngamotu is said to have been Warepori.

Murderous as had been the Waikato war-party many Ngatiawa and Taranaki captives were nevertheless carried away, and (as in the case of the victims of Hongi), some of them were permitted to live as servants in the mission houses. There they were brought under immediate Christian influence. The seed sown in reflective minds brought forth fruit. The fleeting nature of earthly success lost its charm in the eyes of men so lately fast-bound in misery and iron. The zeal and kindness of the missionaries prompted inquiry as to the probable cause of a demeanour which appeared more than human. Yearnings for something better and more enduring were created and strengthened.

Released by the missionaries and conveyed to their former homes, the enfranchised victims of war carried back a knowledge of the Gospel, and taught their countrymen what they had learned of letters and of religion. In time the conquering chiefs themselves followed the missionary example, and manumitted not only their captives but their hereditary slaves

Thus the droves of victims, whose sad fate had appalled the missionaries when they saw them dragged to death or slavery by ruthless masters, supplied active agents in humanizing their far-off countrymen, and William Williams took comfort<sup>1</sup> when he saw that the dark cloud had yet a silver lining, and that from the atrocious deeds of the past a salutary future was wrested by Divine permission.

The application of the chief Pango for a missionary at Rotorua induced others to follow his example. A trader in flax named Tapsell, a Pakeha Maori, residing at Maketu, had previously resisted rather than assisted the missionaries in their efforts to make peace, although he had been personally hospitable.

In 1833 he had changed his mind. He wrote to Henry Williams: "My people (Maoris) bid me write to you to send them a missionary. If you should approve of that I hope you will send one to Tauranga, Whakatane, and the river Thames, as it would be the means of keeping peace among them."

In November, 1833, Henry Williams and others endeavoured to satisfy the petitions made to the missionaries.

At the Thames the natives received them cordially near the picturesque but ill-fated site of the Totara pah, destroyed by Hongi. There "human bones lay scattered about in all directions," the remains of Hongi's repulsive feast.

Ascending the river to Turua, the missionaries held Divine Service there. To their amazement the hymns and responses were correctly and musically uttered by a congregation of more than 150 Maoris. Three boys educated at Paihia had been the teachers, but the people prayed that a missionary might be sent to them.

The missionaries went on to Matamata and saw the dreaded Waharoa, the foe of the men of Turua. He "was sitting in state in the midst of his nobles," and "welcomed the travellers graciously." The wily savage was probably intent on obtaining material wealth and the means of procuring fire-arms. But whatever their motives were, he and his chiefs "pleaded hard for a missionary."

"Waharoa (Henry Williams said in his Diary) has been a

<sup>1</sup> 'Christianity among the New Zealanders' (Bishop of Waiapu), pp. 39, 40.

great warrior, and it is highly gratifying to see him thus, as a little child making inquiries. . . He is a venerable grey-bearded man, bold, determined in his undertakings, and possessed of much natural good sense."

The old man's petition could not then be complied with, but a mission station under the care of Messrs. Wilson and Fairburn was formed at Puriri. At this time missionaries could pass freely everywhere.

Although there was feud between the natives at the Lower Thames and those of the Waikato, William Williams (who with the Rev. R. Maunsell did so much towards framing the Maori Bible) with Messrs. Morgan and Slack journeyed from Puriri to the Waikato, to Matamata, and to Tauranga. Te Kati, the brother of Te Whero Whero, had been visiting the Bay of Islands with his Ngapuhi wife, and accompanied the missionaries, who, dreading an attack, recommended Te Kati to go home by another route rather than visit the Thames. He declined to do so, and under an armed escort of friends the party walked safely to the Maramarua where Te Kati was free from danger.

The Waikato river was ascended; Matakiki and Te Rore were seen; the events of former time were described, and a site for a mission station was chosen at Mangapouri.

The young chief, Awarahi, who had authority there, said: "If you wish to remain I will have your house built for you; but for me, I am a man of war, and must be at war directly. Perhaps you may find one little boy to believe you now, and by and by we may all believe."

Williams selected a site, and in five minutes forty men were employed in clearing it for the erection of a mission-house.

Thence Williams went to Matamata (2d Sept. 1834) and said: "Waharoa was one of the finest specimens of a native I had yet seen. He was of middle stature with small features well-formed; his head was grey, and his hair, which was partially so, was exceedingly neat, while his dress and general deportment marked him out among the multitude as a superior chief. He had long been celebrated as a warrior, but his manners were mild, and the expression of his countenance pleasing.<sup>1</sup> I had

<sup>1</sup> Waharoa's deeds soon afterwards belied his gentle appearance. As to

expected to find a surly old man, not very well pleased that other places were being supplied with missionaries while he was passed by. He soon began to talk upon the subject, but in a very quiet way." He had heard of a Saviour, and in consequence of what missionaries said "had refrained from fighting though he had had much provocation." But he added, "How can I believe? I have no one to teach me; no one to tell me when it is the Sabbath day; no one to direct me what to do."

The missionary gave him hopes, and saw the old man go to his potato fields where a hundred young men were at work. When food was served, five hundred and fifty men, women, and children partook of the hospitality of the Maori baron.

Williams went to Tauranga, and on his return was again entreated by Waharoa to send missionaries to Matamata.

In April, 1835, the Rev. Mr. Brown arrived there and encountered various difficulties from the quarrelsome dispositions of his pupils.

Waharoa had procured ammunition by barter for flax, which was manufactured in large quantities by his people. He threatened to fire upon a party of Waikato people who were supposed to be about to interfere with his traffic at Tauranga; and did not conceal his disgust when, after an interview with Mr. Brown, the intruding traffickers by turning homewards deprived him of the pleasure of waylaying them.

In the same year the missionaries, Wilson and Fairburn, performed an act of heroism only to be appreciated by those who knew the revengeful lust of the Maori.

A party of Waikato people were flax-scraping, while a larger party of their countrymen had proceeded in formal manner to discuss terms of peace between the Ngatimaru and their own people. An unreconciled section of the Ngatimaru fitted out

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his ability, his biographer Mr. Wilson ('The Story of Te Waharoa') says it was well that he departed as he did in 1839. "Well for us also; for if he had led his tribes, in 1863, we probably should not have forgotten Te Waharoa." Mr. Hugh Carleton ('Life of Henry Williams') agreed with Mr. Wilson: adding "He was not only a consummate tactician, but a desperate fighter besides, and in single combat was never worsted." But Te Waharoa would have been eighty-eight years old if he had lived till 1863.

a war-party to destroy the unsuspecting flax-scrapers. Wilson and Fairburn, taking a few Christian disciples as guides, started in a stormy night from Puriri, descended the Thames, crossed its Frith, ascended the Piako, walked through mire across the ranges, and before night succeeded in anticipating by a few minutes the arrival of the war-party. The flax-scrapers had barely time to glide away on the stream of the Maramarua before Koinaki, the leader of the Ngatimaru, with characteristic gesture, dashed into the deserted whare.

He did not enter in straight manner, but, tomahawk in hand, leapt obliquely through the doorway, making a defensive ward as he sprung. Finding no prey, he emerged, and met Mr. Wilson, who confronted his passionate gaze with calmness.

The disappointed warriors kept sullen silence for two hours. Sheltered from the rain under the same roof with the missionary party, they neither ate nor spoke. Silence was broken by prayers commencing with a Maori hymn :

“E! Ihu homai e koe  
He ngakau hou ki au.”<sup>1</sup>

The stern features relented. When the service was ended the thwarted war-party became courteous. All wended their way homewards on the morrow, Mr. Fairburn from exhaustion and excitement fainting repeatedly by the way.

Koinaki, struck by the manner in which the Christians had risked their lives for peace' sake, said, “If Waharoa will cease fighting, so will I.” He kept his word. But Waharoa's thoughts were in the end of the year diverted to troubles at Rotorua, where already a missionary, Mr. Chapman, was placed.

The cause of war illustrated the condition of the Maori mind under the influence of greed.

About the same date, war between the Waikato tribes and those of the Thames was averted by the efforts of the Rev. H. Williams and his brethren. It will not be needful to dwell upon details. It will suffice to say that in February, 1835 (after seeing Waharoa at Matamata), H. Williams passed across to the Waikato river where tribal war had broken out.

<sup>1</sup> “O Jesus! give to me a heart made new by Thee.”

He noticed a field of more than a hundred acres of corn. He descended the river from Mangapouri, saw Matakitaiki near the noble mountain Pirongia, and at Horo reached the seat of war. The numerous Maoris whom he passed recognized him as an ambassador of peace. But a skirmishing party (19th March, 1835) brought back dead and wounded to the camp at Horo. His efforts resulted in a truce for a few months, after which he was to return to make permanent peace. At Ngaruawahia he saw for the first time Te Whero Whero, the future Maori king. Everywhere Williams had large audiences when he preached. He returned with the good Robert Maunsell in December, and after much negotiation, when neither side would cede to the other the land in dispute, both sides agreed to cede their claims to Williams himself. To avoid imputation of personal aims, he transferred the bone of contention to Mr. Fairburn the catechist, and the land had peace. Between the natives of the Thames and the Waikato no ground for quarrel was left. He went in January, 1836, with his well-earned reputation as peace-maker, to see Waharoa. The chief was not at Matamata. Williams heard there of the murder of Waharoa's relative at Rotorua, and travelled to Tupuna, at Tauranga. He found Waharoa there, but could make no good impression upon him. He passed on to Rotorua to try his powers upon the Arawa: All were civil. The missionaries, Messrs. Chapman, Pilley, and Knight, were well treated at their Rotorua abode. Williams reprehended the Maoris for having permitted so foul a deed to occur amongst them. They seemed to admit their fault, but to be careless about the future, though professing no desire for war. Williams returned sadly to his home at the Bay of Islands. The foul deed done at Rotorua was one of the worst type of Maori ferocity.

Tapsell, the trader at Maketu, had allotted various merchandise amongst the Arawa (then generally called Ngatikakauwe) chiefs, in payment for flax contracted for. One Huka, an inferior chief, labouring under some slight at the time, received no payment from Tapsell, to whom he complained. Tapsell had paid all he had promised, and would give no more. Enraged with his own relatives, who had pocketed all the payment, Huka resolved to plunge them into war.



At Rotorua lived Hunga, a cousin of Te Waharoa the Ngatihaua. On Christmas day, 1835, Huka paddled across the lake with a few companions, and was well received by Hunga at his abode. In the act of salutation Hunga was killed by a coward blow on the back of the head.

The Arawa people did not think of appeasing Te Waharoa by punishing Huka, and apologizing for his act. The criminal had known that Maori usage neither admitted of apology by his tribe, nor acceptance of apology by Te Waharoa. War and the shedding of blood were the necessary 'utu,' or payment. The Arawa hacked the body of Hunga into pieces, which were sent to their various tribesmen to show the new phase of politics upon which they had entered by reason of the act of the wretched Huka.

Mr. Chapman, the missionary at Rotorua, obtained the sacred (tapu) head of the murdered man, and gave it to his relatives. Te Waharoa sent him word that he would burn his house down. To the Arawa he sent no message. At that time the Rev. Mr. Maunsell had joined Mr. Brown at Matamata. All knew that Waharoa would avenge himself, but he deceived both enemies and missionaries as to the manner. Affecting consideration for Mr. Brown he refused to let him visit Mr. Chapman at Rotorua. He told him to go to Maketu and invite Mr. Chapman thither. Many Maoris would go there also, so that Waharoa might only have the guilty to deal with at Rotorua.

In March, 1836, with a thousand men, Ngatihaua, Ngatimaniapoto, and others, he had passed Tauranga on his way to Maketu. A few Arawa were waylaid, slain, and eaten in spite of the entreaties of the Tauranga missionaries, Messrs. Wilson and Slade. When Mr. Wilson, upbraiding Waharoa (27th March), reminded him that he might not return from the war, and how would "he meet his offended God?" the superstitious chief, passive till then, fiercely shouted, "Stop, say not that. If I am killed what matter? If I return, will it not be well?" Putting his warriors in motion he vanished like Richard III., not brooking reproof from those on whom he would not lay his hand.

It was a lurking belief among the Maoris that the Atua, or God of the white man, was mysteriously connected with the



missionaries, and to avoid ill omen (aitua) the savage checked Mr. Wilson's words with flourish of his departure, "with an order and regularity (Wilson wrote) I had little expected to see."

On the 29th March, the pah at Maketu was stormed. Tapsell the trader (who had no less than four stations, three on the coast, and one at Matamata) was not killed, but his dwelling was burned with more than a hundred tons of flax.

At the intercession of the missionaries, Tapsell and his Maori wife were permitted by Te Waharoa to depart in safety.<sup>1</sup> The missionaries Maunsell and Brown had wished to go to Tauranga before Waharoa's army left Matamata; but the wary commander would not permit them to do so. They met him on his return.

The fiendish conquerors, drunk with blood, scorned the remonstrances of the missionaries. Te Waharoa, who as usual had led the storming party, and had first cut the palisade-lashings, went home triumphant, and savagely retorted to Mr. Brown, "If you are angry with me I will kill and eat all the missionaries."

The Arawa retaliated a few weeks afterwards by storming, though with much loss, the Tumu pah (near Maketu), occupied by Waharoa's allies the Ngaiterangi.

In the disastrous flight of those who broke through their beleaguers when the pah was stormed many were slaughtered. Where an old chief fell, and a savage foe tore out his liver, and ate it reeking hot, in revenge for the death of a grandfather, the future boundary between the tribes of the pursuers and the fugitives was made.

Despair for a time overwhelmed the missionaries, so lately grateful for the extension of their sphere to places which had now become human shambles.

From Rotorua and Matamata Mr. Chapman, Mr. Brown, and others withdrew. War-parties were prowling everywhere. A young girl, Tarore,—the child of Ngakuku, a Ngatihaua chief travelling to Tauranga with his daughter, whom he had committed to Mrs. Brown's care,—was murdered by a band of Arawa, who had been guided to the father's camp by the light of a fire incautiously made.

The murder elicited some of the brighter parts of Maori

<sup>1</sup> Tapsell died peaceably at Maketu in 1870, ninety-six years old.

character. When the Rev. Mr. Brown had buried the child, Ngakuku addressed his countrymen solemnly. He entreated them not to demand murderous revenge for Tarore's death. "Let peace be now made. My heart is not sad for Tarore, but for you. You asked for teachers. They came, and now you are driving them away. You are weeping for my daughter; but I weep for you, for myself, for all of us. Perhaps this murder is a sign of God's anger towards us for our sins. Turn to Him. Believe, or you will all perish." <sup>1</sup>

Yet again did sparks from heaven light up the darkness around Tarore's fate.

She had the Maori Gospel of St. Luke with her. Her murderers carried it off, and used part of it for cartridge paper.

Amongst the Ngapuhi some years before had been a boy slave, Ripahau,<sup>2</sup> or Matahau, who, when at Paihia, had shared in the instruction given. About 1833 he had been permitted by his Ngapuhi master to accompany one of the expeditions against the Tauranga natives, and to travel onwards to visit relations in the interior and at Otaki. There, under Rauparaha's rule, with a slate and a few scraps of paper, he unfolded the mysteries of letters to his countrymen. A few Rotorua men travelling to Otaki carried fragments of books, amongst which was the Gospel torn from Tarore. From it Matahau taught the son and nephew of Rauparaha and others. With it he went to Waikanae and taught there, in return for the eager kindness of Wiremu Kingi te Rangitake, until induced to return to Otaki.

Rauparaha's son was sent by his father with a cousin to implore that a missionary might be sent to Otaki.

When, eventually (1839), the Rev. Mr. Hadfield went thither with his introducer, the Rev. Henry Williams, the labours of Matahau were thus described by Williams: "He has laboured with astonishing zeal and perseverance. He has taught many to read, and has instructed numbers, as far as he is able, in the truths of the Gospel, so that many tribes, for some distance round, call themselves believers, keep the Lord's Day, assemble for worship, and use the Litany of the Church of England. The

<sup>1</sup> 'Christianity among the New Zealanders' (Bishop of Waiapu), p. 244.

<sup>2</sup> He was called Matahau at Otaki, and as he signed his name thus to the Treaty of Waitangi, it is well to retain it.

schools also are numerous. I felt that our boy Matahau had set an example which ought to rouse the missionaries to every exertion and act as a powerful appeal to the friends of the Society at home.”<sup>1</sup>

The close of Te Waharoa's career may fitly follow his last war. Four months after he had led the storming party at Maketu, though more than sixty years old, he was with a select band of warriors at Patatere, and in August, 1836, appeared before the great pah at Ohinemutu, Lake Rotorua.

It was not the size but the valour of Waharoa's army that made the Arawa take shelter in their fort, which was on the south shore of the lake, by means of which provisions could be brought from the island Mokoia or elsewhere.

Waharoa resorted to stratagem. He sent a chosen few to make a feigned attack. The beguiled Arawa rushed in pursuit of the fliers, who, unalarmed, enticed them to an ambuscade. Breathless, they encountered fresh men, and would have been utterly destroyed in their own retreat, if the leading chief, concealed on one side while Waharoa was hidden on the other, had not committed a blunder which would have made Waharoa's two bands pour their fire upon each other.

The Arawa availed themselves of the blunder, but many were laid low by the tomahawk as they fled into their pah, and closed the gate upon their following foes.

Mr. Chapman's mission-station (from which he was absent) was outside of the pah, and was ruthlessly plundered.

Mr. Knight, who lived there, went to Waharoa's camp to complain. The successful warriors had just returned laden with their booty, and with sixty bodies for their feast. But for the humane intervention of Waharoa's son, Tarapipipi (afterwards Wiremu Tamihana Te Waharoa), it was believed by some that Mr. Knight would have been added to the disgusting repast.

When the Ngatihaua had robbed the mission-station, the Arawa completed the destruction by burning the buildings.

Waharoa was so enraged at the partial failure of his stratagem that he challenged his blundering lieutenant. The fight with long tomahawks had been commenced, when the surrounding chiefs burst in between the combatants.

<sup>1</sup> 'Life of Henry Williams' (Carleton), vol. i. p. 218.

After the usual feasting of several days, Waharoa returned with the preserved heads of his victims.

Messrs. Chapman and Wilson visited the deserted camp in the end of the month, and described it as "a valley of bones, the bones of men still green with flesh, hideous to look upon."

Fighting was afterwards carried on between the tribes, but the conversion of some of the people to Christianity retarded the war. At Tauranga Waharoa was seized with erysipelas. The missionaries, Wilson and Brown, visited him and found him still implacable. He was carried to Matamata, and died there in 1839.

It was palpable that in asking for missionaries, the blood-thirsty Waharoa had in view the material advantages which might follow education.<sup>1</sup> Perhaps also, as the Maori was superstitious, he thought it prudent to patronize the Christians, lest their Atua or God should be hostile. But there were other Maoris in whom higher influences were at work. Three lads persuaded the natives of the Thames to adopt Christian rites. The slave-boy, Matahau, had no politic motives, and had set a pattern to his European teachers. Ngakuku resisted the promptings of revenge even when his child was murdered.

Tarapipipi, the son of Waharoa, was to be an example to governors and to legislators. As the Warwick or king-maker of New Zealand, his name will ever live in Maori history, and will frequently appear in these pages. At present it is sufficient to say, that though he accompanied his father in the expedition to Rotorua in 1836, he nevertheless saved the terrified Mr. Knight from bodily harm. When the missionaries withdrew from

<sup>1</sup> The Rev. Henry Williams found reason to qualify his first impressions about the old man. He saw him for the second time in March, 1835, and said: "He is a fine old man, and has been a terrible warrior. . . . He had much to say of his own goodness, and the evil of his neighbours—a failing not confined to New Zealanders." Again at Matamata, in January, 1836, Williams heard of the murder of Hunga at Rotorua, and found Waharoa near Tauranga, but could not ascertain his intentions. "Poor old man! he is very active in temporals, but has no desire for things eternal." Williams went to Rotorua to labour for peace, in February. When Waharoa had carried war to Maketu and Rotorua, and the missionaries were in danger, Williams (in November, 1836) again saw him at Maungatapu (Tauranga); and found "his speech 'maro tonu' (very stiff). Determined to return, and hold on here as well as can be done. Gloomy, very gloomy."

Matamata a lawless band of Ngatihaua plundered them. Tarapipipi, indignant at such an outrage upon guests, led a pursuing party, and recaptured and returned the stolen property. He was not the eldest son of Waharoa, or the grief of the old man at these humane acts might have been overwhelming. But he was the ablest; and not long after Waharoa's death the tribe selected him as their leader, although he had already been publicly baptized by the name Wiremu Tamihana (William Thompson). As he subsequently adopted the name Waharoa, I shall so style him. When baptized, he announced that thenceforward he would be a man of peace. In the first instance he had to build a separate pah for his Christian fellows, about four hundred in number. A short code of laws, drawn up in his own handwriting for their guidance, was fixed upon one of the posts of his church.

Before these events occurred the first apostle of the Maoris had passed away.

In 1837 Samuel Marsden, having passed the three score years and ten which usually limit the span of life, bowed in frame and torn by internal pain, paid his last visit to his beloved Maoris. Again his daughter tended him.

The captain of the ship which landed him at Hokianga recorded, in a letter which has been made public, the calm cheerfulness with which he bore intense suffering and displayed unabated "pious zeal in his Master's cause."

The Maoris thronged around him with fervent affection. At Waimate a thousand were gathered together. One chief was rebuked by a bystander for his persistent and fixed gaze upon the old man's face. "Suffer me," he said. "Let me take a last look. I shall never see him again."

He could no longer ride on horseback, and the Maoris, proud of their office, bore him long distances in a litter. When he would have striven to ride a horse prepared for him, Waka Nene opposed the idea, declaring that he would leave the party unless Marsden would consent to be carried by the Maoris.

Again with Henry Williams he laboured for peace.

Titore was making war upon Pomare, who was entrenched in a strong pah. Eight hundred men attacked it, but in vain. The Pakeha Maori was to be found in each camp. A rabble of

white men hung on to each force. One hundred and thirty were in Pomare's camp. Marsden wrote to the Church Mission Society: "These are generally men of the most infamous character—runaway convicts, and sailors and publicans, who have opened grog-shops in the pahs, where riot, drunkenness, and prostitution are carried on daily. . . . Some civilized government must take New Zealand under its protection, or the most dreadful evils will be committed by runaway convicts, sailors, and publicans."

But within the mission sphere (Mrs. Williams wrote in her Diary) "the dear old gentleman was delighted" with what he saw.

Captain Hobson, of H.M.S. 'Rattlesnake,' calling at Kororarika, gave him a passage in his ship, and he left some days before Williams succeeded in making the peace of which the tidings reached him in Sydney. Soon afterwards he passed away, in his seventy-fourth year, amidst the veneration of all who knew him, and was buried at Paramatta, a place familiar to the many Maoris who at various times had been his guests.

The Church Missionary Society recorded their "deep respect for his personal character, and gratitude to the great Head of the Church who raised, and who so long preserved, this distinguished man for the good of his own and of future generations. . . . While he omitted no duty of his proper ministerial calling, his comprehensive mind quickly embraced the vast spiritual interests, till then well-nigh entirely unheeded, of the innumerable islands of the Pacific Ocean. . . . It is to his visits to New Zealand, begun twenty-five years ago and often since repeated, and to his earnest appeals on behalf of that people, that the commencement and consolidation of the Society's missions in the Northern Island are to be attributed."

Such was the witness borne to the character of the "good and faithful servant," the apostle of New Zealand.<sup>1</sup>

In 1838 the Maori mission had advanced to the stage of having Maori teachers; and the first Bishop of Australia, Dr.

<sup>1</sup> Among other tributes to his memory, a few Maoris, who had never seen Marsden, subscribed for a marble tablet in the church at Paramatta, in which he was called the founder of the New Zealand Mission. Taylor's 'New Zealand,' p. 601.

Broughton, went in H.M.S. 'Pelorus' to observe the progress of so interesting a development. In March, 1839, he reported his opinions to the Society in England. The large and earnest assemblies of Christian Maoris were dwelt upon with pleasure. "The grey-haired man and the aged woman took their places to read and to undergo examination among their descendants of the second and third generations. The chief and the slave stood side by side with the same holy volume in their hands." The Liturgy and the Scriptures, in Maori, would "ever remain a monument of laborious and well-directed piety." It was about this time that five thousand copies of the Maori New Testament, printed at the mission press in New Zealand, were found insufficient. Ten thousand were ordered from England, while the local press was devoted to the Prayer-book and portions of the Old Testament.

The differences of opinion between Marsden and the resident missionaries have been mentioned cursorily. He thought it essential to introduce the arts of civilization in order to pave the way for the reception of Christianity. Wheat-growing was with him a prime object. Trades were to assist by their utility in weaning the Maori from the customs with which he allied the maintenance of hereditary superstition. He thought it unwise to assume that they were "already prepared to receive the blessings of Divine revelation."

Henry Williams, though a devoted admirer of Marsden, advocated, as a first step, the reaching of the heart, "seeking first the spiritual good" of the people, and then, "as opportunity offered," embracing Marsden's "views of planting wheat, shoe-making, blacksmithing, and carpentering."<sup>1</sup>

Each had reason on his side, but not all reason. Both were constrained to acknowledge the marvellous manner in which distant communities had been drawn to Christianity by the labours of the boy-slave, Matahau, the once unconsidered pupil at Paihia.

The acquisition of land by the missionaries, which was to give rise in later time to much ill-feeling between them and the

<sup>1</sup> Letter from Rev. H. Williams to Rev. E. G. Marsh, 4th September, 1831. 'Life of Henry Williams,' by Hugh Carleton. Auckland, 1874.



local government, was the subject of discussion by the Church Missionary Society in England at an early date.

The condition of a married missionary may be gathered from the foregoing pages. He had gone without scrip or purse to cast his lot amongst his hoped-for pupils.

Savage as were the Maoris in some respects, there was yet a nobility amongst them less corrupting than the vices of the abandoned white men gathered at Kororarika.

The children of a missionary, if they were to be brought up with a view to intellectual culture, would need provision. The Society, to avert absolute want, contributed the sum of £10 a year with food for each child until the age of fifteen years, when a final gift of £50 was to determine the obligation.

The missionaries proposed that the Society should, to secure for each child the means of living, purchase for it two hundred acres. In 1830 the Society resolved to do so on condition that if the beneficiary child should die without attaining the age of twenty-five years the land should revert to the Society, but otherwise be the absolute property of the child.

The missionaries shrunk from the risk. Labour on land liable to forfeiture might be the ploughing of sand. The sweat of their children might fertilize the field of the stranger. They preferred to buy from their own resources on behalf of their children, and to place them on the land as they became capable of using it.

The Society did not discountenance the proceeding, and between the years 1833 and 1837, Henry Williams, who had several children, made considerable purchases, which were not objected to at the time, but became, long after the assumption of sovereignty by the Queen in 1840, the subject of bitter controversy.

The sagacious Bishop of Australia, Dr. Broughton, warned the missionaries, at the time, of the necessity for caution in their procedure. He did not condemn the acquisition of land for their children. "It was not only a natural feeling, but your bounden duty to provide for them as the country itself should enable you. This was a part of that support which the foresight and goodness of God had placed within your reach, and a man who did not avail himself of it fairly and to a reasonable extent



would have denied the faith, and would have been worse than an infidel. It is my earnest prayer that God may have given to you all the grace of forbearance, that you have not been betrayed into covetousness or an inordinate love of the world, and the things of the world, and that He may make your righteousness as clear as the light, and your just dealing as the noonday." Later in the year (September, 1840), he more pointedly marked out the path. "You are bound to provide for your own. Do so, then, and may they enjoy the blessing and support of their Father which is in heaven. But I say again, and emphatically, reserve no lands for your own personal property and advantage; so shall you vindicate yourselves and the cause from the aspersions cast upon it."

Sir George Gipps was at the time scaring the flight of harpies which descended upon New Zealand, and the Bishop shrunk with horror from the rumour that missionaries had abused their position to their own advantage. Rumour was not converted into accusation<sup>1</sup> in 1840, but as in 1847 Bishop Selwyn

<sup>1</sup> An exception may perhaps be made with regard to Dr. J. D. Lang, whose assertions are never to be believed because he makes them. Sailing to England he touched at New Zealand in January, 1839. Arriving in England he found the New Zealand Land Company actively at work. The 'Tory' had sailed with the first expeditionary band. Lang addressed four letters to Lord Durham as Chairman of the Company. He urged that the Company ought to make way for a national Colony. He animadverted upon Marsden's plan of civilizing before evangelizing; and upon the "inefficiency and moral worthlessness" of the mission. He declared that the Church missionaries had actually been the "principals in the grand conspiracy of the European inhabitants to rob and plunder the natives of their land," and that their abuse of their position constituted "one of the grossest breaches of trust witnessed for a century past." The letters were published by Lang in London. Henry Williams saw them in 1840, and wrote thus to England: "I hope the nerves of the members of the Church Mission Society will not be disturbed by such a wicked production. I have taken upon myself to give some reply to it, which I have forwarded to Sydney. These observations of this wretched man have only excited our pity. His motives are evident, his ignorance profound, and his impudence unbounded. . . . To me his letters carry their own condemnation."

One singular fact Williams could not be aware of in 1840. Dr. Lang, in his second letter (to prove his moral worth to Lord Durham) said of himself: "I deemed it my bounden duty as a minister of the Gospel, whose own hands must be clean in bearing the vessels of the Lord, never to become the owner of a single head" of sheep or cattle.

unguardedly committed himself with Governor Grey to statements which were found incapable of proof, it has been necessary to refer chronologically to events which at one time formed the chief subject of discussion in New Zealand, and engrossed the thought of many public men in England.

Two large claims excited much unfavourable comment. The Rev. R. Taylor asserted that he had, in order to put an end to tribal war, purchased, for £681, fifty thousand acres at the North Cape. In 1843, on inquiry, two English Commissioners awarded him only two thousand seven hundred and twenty-six acres, with certain reservations in the reduced area. Mr. Fairburn claimed forty thousand acres at Tamaki for a payment of £923. His claim was cut down to three thousand six hundred and ninety-five acres by a similar award.

This exceptional purchase was made in 1836, when Henry Williams made peace between the Thames and Waikato.

Having consulted Patuone, the Ngapuhi chief, he and Mr. Fairburn made overtures to the men of Waikato. After interviews with the great Te Whero Whero and others, long discussions terminated in a remission of the matter to the missionaries. A boundary was fixed on the 8th January, 1836. The Thames natives alleged (according to the evidence of Williams and Fairburn) that there would be future fighting unless the missionaries would buy land adjoining the boundary. Henry Williams wrote (1839), that to set the question at rest he announced he would take the land—"to which all gave consent. Of course it was understood that payment should be

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It became public in 1841 that some time previously the Presbyterian body desired to effect an exchange of land with Sir John Jamison in Sydney; Jamison agreed. Lang succeeded in getting the conveyance made, not to the church of which he was the minister and trustee, but to himself. He obtained loans of public money for building a college, and erected the buildings on the land thus wrongfully conveyed to himself. He was living in 1841 in one of the houses built on the land. This transaction by one who told Lord Durham in 1839 that he knew it was his duty to keep his own hands clean was brought to light by a Select Committee of the New South Wales Legislative Council in 1841. It is amusing to observe that he volunteered an opinion that if New Zealand were colonized "there would be no necessity for a body of troops to protect the colonists." Ungenerous himself, he was unable to see why the lives of the missionaries were safe in New Zealand.

made, and I had no desire for the land myself, but felt that it was needful that it should be purchased. I therefore proposed to Mr. Fairburn to take it, which he accordingly did ; and since that period there has been no word of dispute between the natives of Waikato and the Thames upon the subject."

The magnitude of the purchase was pointed at as proving the mercenary character of the missionaries, but the man who made the bargain derived no profit from it. When it was impugned Fairburn offered to retain a third of the land, and give the other two-thirds in equal portions to the Church Missionary Society, and in trust for Maori purposes. The Government declined the offer. They held that the land did not belong to the Maoris, who had sold it ; and that it could not remain with the buyer except upon such terms as the Government thought fit to impose. Commissioners cut the claim down to less than four thousand acres, and the Government, without payment, appropriated the remainder. The other claims were not put forward as made upon necessity to prevent war, and were for the most part made for children of missionaries ; but they were impugned and defended in a manner hereafter to be told.

When Dr. Broughton, Bishop of Australia, visited New Zealand in 1838, in H.M.S. 'Pelorus,' he was accompanied by Octavius Hadfield, then in deacon's orders, who had been driven from Oxford by ill-health. Fired by zeal in his Master's service, the young man, when he heard of the application from Rau-paraha for a missionary at Otaki, said : "I will go ; I know I shall not live long, I may as well die there as here." Overcoming remonstrances he went there with Henry Williams in 1839, just at the time when Colonel Wakefield had arrived at Cook's Straits in the ship 'Tory,' to form settlements for the New Zealand Company, and a few months before an English colony was established in the name of the Queen at the Bay of Islands.

Before describing those important events it will be well to state briefly the condition of the missions of the Church of England and other bodies.

The Wesleyans, having been driven from Whangaroa in 1827, soon afterwards formed a station at Hokianga. There was no antagonism between them and Marsden. On the contrary, he

assisted them.<sup>1</sup> They gradually occupied other stations and laboured with their customary zeal.

In 1838, the arrival of a Roman Catholic Bishop, Dr. Pompallier, fluttered the Protestant bodies, who saw in the invocations and images of the Romish Church a dangerous similarity to the Maori cult of various deities and the venerated heitiki or green-stone image which was worn on the breast or suspended on the carved ancestors of the Maoris in their tribal "whārēs" or great houses.

Moreover, he followed closely on the heels of De Thierry, who was believed to have designs of establishing a French settlement; and as all Pompallier's aiding priests were French the suspicion increased on his arrival.

The Frenchmen also hotly plunged into polemics. They denounced the English missionaries as wolves, and adulterers (because they had wives); and confident in their logical adroitness invited open discussion, from which, when they encountered Henry Williams at the Bay of Islands, they derived no success in the eyes of the Maoris, in whose language it was conducted, while an English magistrate presided.

A summary of the results of the English missions is to be found in words addressed to the Church Mission Society in 1841, by Henry Williams. "The natives assembling every Lord's Day under our missionaries and native teachers are not fewer than thirty-five or forty thousand."

William Williams, writing from Turanga, was able to say that the idols were cast away, swords converted into ploughshares, animosities between distant tribes abandoned, and local quarrels settled by arbitration.

Mr. Hadfield, on the west coast, reported in 1840 that on the field of Matahau's labour if he had five thousand Maori Testaments he could not keep one of them a fortnight.

Lest the witness of workmen in the field should be ascribed to

<sup>1</sup> The kindly feeling was reciprocal. When Marsden died at Paramatta, the following notice was read in the Wesleyan Church there: "Next Sunday morning we intend to close this place of worship, and as a mark of respect to our late venerable friend go to the English church to hear his funeral sermon." ('Forty Years in New Zealand,' by Rev. J. Buller, p. 274.) London, 1878.

unfair bias, it is right to adduce the testimony of the Bishop of New Zealand, G. A. Selwyn, who, on arriving in 1842, was so conversant with the Maori tongue that he preached in it forthwith. He thus described the people he found. "We see here a whole nation of pagans converted to the faith. A few faithful men, by the power of the Spirit of God, have been the instruments of adding another Christian people to the family of God. Young men and maidens, old men and children, all with one heart and with one voice praising God ; all offering up daily their morning and evening prayers ; all searching the Scriptures to find the way of eternal life ; all valuing the word of God above every other gift ; all, in a greater or less degree, bringing forth, and visibly displaying in their outward lives, some fruits of the influences of the Spirit. Where will you find throughout the Christian world more signal manifestations of that Spirit or more living evidences of the kingdom of Christ ?"

Here also may be stated conspicuously that the manumission of slaves, at first special, soon became general ; and all the chiefs of the land left themselves shorn of that forced labour by which their forefathers had cultivated it.

Unlike the abolition of slavery in England and America, where slave-owners lost by compulsion all property in their fellow-creatures, the emancipation of Maoria was voluntary on the part of every hereditary master. Such an act of self-sacrifice may be almost called sublime, and will perhaps outweigh in the judgment of the All-wise the memory of many Maori sins to which a fellow-creature would refuse forgiveness. It was an act fruitful in effects upon the emancipated, for by Maori law, as by the Roman *jus postliminium*, he who returned, by whatsoever manner, to his former home was invested with all his former rights.

## CHAPTER IV.

## TE PEHI.

THOUGH as a people the Maoris had welcomed the Gospel of peace, there was no abatement of the corruption which they suffered from the lawless Europeans congregated at Kororarika, and other parts of the coast.

In 1836, a Select Committee of the House of Commons reported upon the horrors revealed to it. One of them involved not only the chief Rauparaha but the master of a British vessel.

Te Pehi, the uncle of Rauparaha, soon after Hongi's revolting successes with his fire-arms, thirsted to emulate them. Seeing a vessel in Cook's Straits he approached her with three canoes. The crew prepared to encounter the savages. Te Pehi rose, and in broken English tried to show that his aim was peaceful. He sprung upon the deck of the 'Urania,' and ordered his countrymen to retire. He demanded fire-arms. When they were refused, he said he would go to England to see King George. The captain ordered men to throw him overboard, but Te Pehi clung so tightly to two ring-bolts that without such violence as the captain was loth to use, it was impossible to tear Te Pehi from his hold. When the struggle was over Te Pehi motioned to his followers and they returned to the shore. Though the captain afterwards strove to land Te Pehi he was unable to do so.

The Maori became popular in the 'Urania,' and at Monte Video plunged into the sea and rescued the drowning captain, who had fallen overboard. The rescued man was kind, and when Te Pehi was ill at Liverpool, called in a physician. Dr. Traill was much struck by the chief's intelligence, and succeeded

in inducing the Government to give an allowance to maintain him in England, and to pay for his passage back to New Zealand; but the gift of arms was not repeated as in Hongi's case. Nevertheless before reaching his native land he procured some, and led war-parties to the Middle Island. The manner of his death at Kaiapoi has been told already.

In 1830, Rauparaha, thirsting for revenge, hired a scoundrel named Stewart, commanding the brig 'Elizabeth,' 236 tons, to convey Rauparaha and several scores of armed followers to Banks' Peninsula.<sup>1</sup>

There is reason to believe that Stewart's villainy required little solicitation from Rauparaha.

The 'Elizabeth' arrived at Sydney in July, and in August Stewart sailed for New Zealand with a cargo adapted to his future deeds.<sup>2</sup>

Stewart's hire was a few tons of flax.<sup>3</sup> The object was murder. Rauparaha, savage at the killing of his uncle, Te Pehi, and finding it difficult to pounce upon his intended victims, stipulated that Stewart should convey secretly an armed band and assist them in their murderous designs.

Arriving at Pigeon Bay, in Banks' Peninsula, Rauparaha remained in the hold of the vessel with his men, and sent Stewart on shore to beguile the principal chief Maranui. Anticipating danger from Rauparaha, and knowing that the 'Elizabeth' had been at Kapiti, Maranui asked whether any Maoris were on board. Stewart lied to him; and at last, on promise of

<sup>1</sup> Some difficulty in tracing the occurrence arises from the fact that in 1831 there were three or four vessels named 'Elizabeth' trading at Sydney.

<sup>2</sup> A newspaper described it as "four cases and eighteen muskets; two kegs flints and bullets; two bales slops, two kegs gunpowders, one bundle hardware, five baskets tobacco and stores." The 'Elizabeth' carried eight guns, two swivels, and an ample supply of small arms. Parliamentary Papers, 1838.

<sup>3</sup> Attempts have been made to exculpate Stewart and charge Rauparaha with deceiving him. In 1880 under the title of 'Scenes from the Life of John Marmon,' a low Pakeha Maori, who was living in the North Island in 1830, a very garbled account was given of Stewart's exploit. But the facts can be drawn incontrovertibly from authentic sources. Marmon was a convicted thief before he went to New Zealand. It was one of the weak points in the Maori character that many such ruffians were patronized by chiefs. As Pakeha Maoris, the clients bred infinite mischief. They shrunk from no atrocity.



fire-arms, enticed Maranui, his wife, his daughter nearly twelve years old, and a few chiefs, on board the 'Elizabeth.'

In the cabin Maranui was suddenly seized, with the active assistance of Stewart, his mate, and crew. Most of the visitors, with others who subsequently arrived on board, were slaughtered.

Maranui, his wife, and daughter were reserved for a severer fate. He was ironed and so brutally bound that wounds and mortification ensued.

At night, Rauparaha emerged with his army from the womb of the fatal ship, which, like another Sinon, the perjured Stewart had persuaded the Ngaitahu to trust.

Maranui's village, unprepared for resistance, was surprised, its inmates were indiscriminately slaughtered, and their dwellings burnt. It was rumoured that Stewart and his men aided Rauparaha even in this atrocity. The white ruffian allowed the dark savage to carry the remains of the victims on board, and the orgies of cannibalism were perpetrated in the ship. Human flesh was in baskets, and was cooked, with the white savage's permission, in the vessel's galley. Maranui not only knew what was done, but endured the insulting mockery of his captors. Defiant of any pain to himself he rescued his child from torture. At a sign from him the wife (whose hands were free) strangled her willing daughter to save her from worse evils. For this Maranui was made the victim of terrible torture in Stewart's presence; but he gave none of his tormentors satisfaction by showing sign of pain. There was a rugged triumph in his scorn. His daughter was rescued from shame. His fortitude baffled his torturers. The unhappy wife survived to suffer all that savage hatred could inflict upon her at Kapiti. Three of Maranui's brothers were among the slain.

When the 'Elizabeth' returned to Kapiti, Mr. Montefiore, a merchant, was there in a vessel of his own with which he had intended to visit the coast. Montefiore gave evidence before a Select Committee. "Expecting that the whites would be slaughtered" (in revenge for Stewart's brutality), Montefiore "was obliged to take refuge" in the 'Elizabeth,' in order to return in her to Sydney. Maranui was on board, Stewart retaining him as a hostage "until the charter-party was finally arranged." Montefiore testified that when the promised flax was not paid



by Rauparaha, Stewart "saw the folly of his conduct," but would not take Maranui to Sydney, as Montefiore "begged."<sup>1</sup> Montefiore's clemency to Maranui was distempered by special thought for himself. "Maranui slept in the next cabin to me for several nights. He was resigned to his fate; he knew he would be killed. He was as fine a man as ever I saw in my life. The state (mortification) of his legs arose from the irons the captain put upon them. I spoke to the captain, saying as a British subject I could not suffer him to be ironed. . . . I had the irons struck off; but still he was kept confined on board, being *afraid of our own lives while he was on board* after his treatment." Stewart "gave up Maranui<sup>2</sup> into the hands of his enemies. I went on shore and saw the whole process of his intended sacrifice. I did not see him killed" (he was tortured inhumanly, without showing sign of pain), "but I know he was killed during the night, and the following morning the widow of the great chief who had been killed" (Te Pehi) "had his entrails as a necklace about her neck, and his heart was cut into pieces to be sent to different tribes, allies of Rauparaha."

With his flax, and Montefiore, and another passenger, Stewart arrived in Sydney in January, 1831, and it was not from Montefiore that the Governor heard what had been done.

Mr. Gordon Browne brought the facts under notice early in February, and the Governor wrote (13th April): "I lost not

<sup>1</sup> It is permissible to check Montefiore's evidence by other facts. "On my arrival in Sydney (he says) I related the circumstances, and they tried, the captain." Governor Darling wrote to Lord Goderich (13th April) that Mr. Gordon Browne "first brought the matter under notice." Moreover, the captain was never tried, though Montefiore may have left Sydney under the impression that he would be tried. The many conflicting and erroneous statements as to the prosecution of Stewart, made it necessary for me to trace the facts carefully, and to be satisfied with nothing less than a record made by an officer of the Supreme Court. Montefiore avers that Stewart did not receive his hire. This may be true; or although false it may have been asserted by Stewart. It is absolutely true that the 'Australian' newspaper recorded the arrival of the 'Elizabeth' in Sydney, 14th January, 1831, with thirty tons of flax, Stewart being master, and Montefiore a passenger. It is probable that Maranui was held as security only till the flax was procured.

<sup>2</sup> In some narratives the chief is called Tamaiharanui. I have adhered to the name used in Governor Darling's despatches, and by Montefiore, who saw the chief surrendered to torture.

a moment in giving orders that it should be immediately proceeded in, the 'Elizabeth,' the captain, and the crew being here at the time. The depositions . . . were referred to the Crown Solicitor on the 7th Feb., the day they were received. But it will be seen by the accompanying copy of his letter, that he entertained doubts whether there were sufficient grounds for putting the parties on their trial. I nevertheless desired that he should proceed, considering it a case in which the character of the nation was implicated, and that every possible exertion should be used to bring the offenders to justice."

Stewart was detained on bail, and retained the able Dr. Wardell to defend him. All witnesses were spirited away, and it was vainly hoped that the Governor would release Stewart.

In the end of March another white ruffian, master of the 'Prince of Denmark,' arrived with human heads for sale, and Darling, who was warned by Mr. Gordon Browne of the new atrocity, was in no humour to make the ways easy for such criminals. He fulminated (16th April) his order declaring that it was his "imperative duty to take strong measures for totally suppressing the inhuman traffic" which masters and crews of vessels were promoting.

Stewart's vessel went to sea under another master. Darling feared that the legal proceedings would be ineffectual in the absence of witnesses, but he kept Stewart in suspense as long as possible. Dr. Wardell complained bitterly of the detention. Had Stewart been tried, the counsel for the Crown might have contrasted the mildness of his treatment with that he inflicted upon the fettered chief.

On the 13th April a chief, accompanied by a nephew of Maranui, waited on the Governor to urge that something should be done by England to stay the hands of her unworthy sons.

The well-disposed English in New Zealand also informed the Governor that they feared "that their lives would be made answerable for the proceedings of their countrymen."

Darling, still holding the ruffian Stewart to bail, told the Secretary of State that he would "immediately send a person to New Zealand in the character of resident,<sup>1</sup> which appears in

<sup>1</sup> On the 4th June Governor Darling wrote: "It is my intention to employ Captain Sturt at New Zealand, should there be no objection on his

accordance with the wishes of the natives," so as to assure them of the friendliness of the Government. Of Stewart he wrote that "the sanguinary proceeding of the savages could only be equalled by the atrocious conduct of Captain Stewart and his crew. Rauparaha may, according to his notions, have supposed that he had sufficient cause for acting as he did. Stewart became instrumental to the massacre, which could not have taken place but for his agency—in order to obtain a supply of flax!"

The "barbarous traffic" in heads, the Governor designated as an incentive to war. It was "infinitely more disgusting than slavery, which may be considered a branch of it, and which it would certainly have the effect of promoting; . . . (it would increase) the desire to obtain prisoners, who, instead of being kept as slaves to be employed in the service of their captors, would, to a certain extent, be immolated as victims to this new and detestable commerce."

While the Governor's gallant despatch was on the way to England, his term of office was closing, and his successor was appointed.

It would seem that the law officers were remiss in permitting witnesses to leave the colony. The Imperial statute constituting the Supreme Court of the colony (9 Geo. IV. cap. 83) gave express power to deal with such offences as that of Stewart. His trial was to take place in May. The Sydney 'Gazette' spoke of the case as peculiar, because it involved "the question of the liability of British subjects for offences committed against the natives of New Zealand." The 'Australian' (controlled by Dr. Wardell) could not "divine the justice of denouncing Stewart as amenable to laws, which, however strict and necessary under certain circumstances, were

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part. . . . It is an object to conciliate and keep the New Zealanders in good humour, and Captain Sturt's disposition and character gave him the best chance of succeeding with them." On the 7th September, 1831, Darling having heard of the appointment of his successor (gazetted in London in April) wrote: "I shall not venture to proceed with the arrangements notified in my despatch with respect to New Zealand." Captain Sturt devoted his energies and fine disposition to the cause of exploration in Australia. It is possible that if Darling had remained, and Sturt had been put in authority at New Zealand some evils might have been averted.

not applicable to savage broils and unintentional acts of homicide to which he must have been an unwilling party, and over which he could not possibly exercise the slightest control."

No criminal was ever without a criminal apologist, and the Governor was almost alone in seeking to wipe off the foul blot with which Stewart's immunity could not but stain the English name.

When the case, *Rex v. Stewart*, was called (on the 21st May), the law officer was not ready to proceed on the original information, but intended to proceed upon another for a misdemeanour (on the 23rd May). Wardell at once applied for the discharge of Stewart's recognizances, but the Court refused. On the 23rd May the Crown Solicitor announced that he abandoned the charge of misdemeanour and intended to proceed on the information already filed as soon as the witnesses should be forthcoming.

Dr. Wardell protested against the hardship of "holding Stewart to bail in the sum of £2000 for an indefinite period," and again strove to withdraw the recognizances. He objected to "skipping first from a charge of murder to a misdemeanour, and then to murder back again;" but the Court refused to discharge the bail, allowing the matter to be brought forward for reconsideration.

Accordingly a rule was granted for hearing Wardell's application. The law officers did not satisfy the Court that the criminal ought to be detained, and on the 20th June, 1831, he was "discharged on his own recognizance in the sum of £1000."

Various works, usually trustworthy, have repeated an erroneous statement made to a Select Committee in 1836—viz. that Stewart was tried in Sydney.<sup>1</sup> Whatever might have been the

<sup>1</sup> Evidence before House of Commons Select Committee, 12th February, 1836. "On the trial there was no evidence which could convict the captain.", "He was tried before the Supreme Court in Sydney." 'Story of New Zealand': Dr. Thomson. As to Stewart's fate Montefiore told the Committee that he understood that Stewart "met his death by being washed off his ship coming round Cape Horn." Dr. Thomson records as the result of personal inquiry "that he dropped dead reeking of rum" off Cape Horn, and was "pitched overboard by his own crew with little ceremony and no regret." Of the release of Stewart in Sydney it was difficult to trace the facts as no newspaper recorded it, and the order of the Court could not be found at the Law Offices in 1881. The kindness of Mr. John Gurner, who not only

result of a trial, if held, it is only just to the inhabitants to show that no jury in New South Wales ever acquitted so deep-dyed a scoundrel.

It is some relief to know that, with the sanction of the missionary Hadfield (Bishop of Wellington in 1881), the son of Rauparaha went upon an expedition, eighteen years after the death of Maranui, to carry the Gospel to his decimated people.

Rife as were atrocities amongst the base English in 1831, the conduct of Stewart in making his ship a human shambles was deemed disgraceful. Archdeacon Broughton besought the Government to avert the cruel injury to which the aborigines in Australia and the islands were exposed. Marsden called attention to it by letters to Governor Darling and Mr. Fowell Buxton, M.P., as well as to the Missionary Society.

The Committee of the House of Commons reported that through unexplained difficulties neither Stewart nor his accomplices were brought to justice. Those "who might have been witnesses were suffered to leave the country. Thus, then, we see that an atrocious crime, involving the murder of many individuals, has been perpetrated through the instrumentality of a British subject, and that yet neither he nor any of his accomplices have suffered any punishment."

In 1832 Lord Goderich, the Secretary of State, wrote to Governor Bourke (who had succeeded Darling): "It is impossible to read without shame and indignation these details. The unfortunate natives of New Zealand, unless some decisive measures of prevention be adopted, will, I fear, be shortly added to the number of those barbarous tribes who in different parts of the globe have fallen a sacrifice to their intercourse with civilized men, who bear and disgrace the name of Christians. . . . There can be no more sacred duty than that of using every possible method to rescue the natives of these extensive islands from the further evils which impend over them, and to deliver

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kept the official records of the Court in 1831, but retained a rough copy made by himself at the time, put me in possession of the best possible evidence. Though ninety years old when applied to, Mr. Gurner was as quick and intelligent as ordinary men twenty-five years younger, and his courtesy was as signal.

our country from the disgrace and crime of having either occasioned or tolerated such atrocities."

Marsden in the same year warned the Secretary of the Church Mission Society, that if the atrocities committed by white men could not be restrained by existing laws, it was necessary for the British Parliament to pass some Act "to redress the wrongs of the natives;" otherwise the natives themselves might resort to revenge. There were believed to be nearly two thousand Europeans on the islands when this appeal was made.

A Bill was introduced by Lord Howick into the House of Commons in 1832, to subject British stragglers to the restraints of law, "in islands situate in the Southern or Pacific Ocean, and not being within His Majesty's dominion;" but the House could not devise a satisfactory scheme, and the Bill lapsed after passing through committee. Mr. Burge pithily warned Lord Howick, on its introduction, that if the islands were within the king's dominions the Government could act without the new law, and that if they were not, the House could not legislate with respect to them. Lord Howick pleaded that Stewart's crimes in assisting murder and cannibalism on board a British ship had "escaped all punishment from the defect in the law." Mr. Croker asked why crimes committed on board a British ship could not be punished, and Lord Howick could only repeat that there was no power to bring such miscreants before the New South Wales Courts.<sup>1</sup> The Bill was not read a third time.

Lord Howick's ineptitude about New Zealand affairs was tasked by Lord Granville Somerset in the same year. Asked what security there was for the person of the British Resident, the noble lord replied: "I understand there is a very amicable intercourse between New South Wales and New Zealand."

The intention of Governor Darling to appoint a Resident was not lost upon the British Government, whose proceedings were

<sup>1</sup> Lord Howick appears to have been ignorant that the English statute, 57 Geo. III. cap. 53, was passed in 1817 to meet such cases (New Zealand being specially mentioned in the statute), and that two statutes (4 Geo. IV. cap. 96, 1823; and 9 Geo. IV. cap. 83, 1828), gave special power to the Supreme Courts of New South Wales and Van Diemen's Land to try such cases, New Zealand being named in each of the statutes.

perhaps quickened by rumours that the French intended to form a settlement in the islands.

The Maoris preferred the friendship of the English, and thus petitioned the king, while a French man-of-war was cruising on their coast :

“ We have heard that the tribe of Marion is at hand, coming to take away our land ; therefore we pray thee to become our friend and the guardian of these islands, lest the annoyances of other tribes should touch us, and lest strangers should come and take away our land. And if any of thy people should be troublesome or vicious towards us (for some persons are living here who have run away from ships), we pray thee to be angry with them that they may be obedient, lest the anger of the people of this land fall upon them.”

Lord Goderich, in reply, did not allude to the French, but, in 1832,<sup>1</sup> appointed Mr. James Busby as “ British Resident at New Zealand,” to prevent the arrival of criminals, and apprehend runaways if he could. Busby carried a letter to the chiefs from Lord Goderich, stating that the king would do “ all in his power to prevent a recurrence of the outrages complained of, and to punish the perpetrators whenever they can be apprehended and brought to trial.”

An elaborate letter of instructions from Sir Richard Bourke to Busby, in 1833, proves that the British Government shrunk from proper responsibility. “ You are aware,” he wrote, “ that you cannot be clothed with any legal power or jurisdiction by virtue of which you might be enabled to arrest British subjects offending against British or Colonial law in New Zealand.” Circumstances had prevented an enactment to supply the defect. “ You can therefore rely but little on the force of law, and must lay the foundation of your measures upon the influence you shall obtain over the native chiefs.”

Bourke expatiated upon the enormities committed by Europeans, especially commenting on the conduct of Stewart. He recommended Busby to confer with the missionaries as to his measures. Two things had been asked for by the chiefs :—the assumption of guardianship, and the coercion of lawless British vagabonds. With neither of these did Lord Goderich or Sir

<sup>1</sup> Despatch, Lord Glenelg, December, 1832, to Foreign Office.



R. Bourke affect to deal, except in the vague language in the letter of the former to the chiefs.

Busby went to New Zealand in a man-of-war, and was not to blame for doing nothing, after having been officially told that there was nothing that he could do. In 1834 he purposed to establish a national flag for the New Zealanders. Sir R. Bourke sent three patterns. The chiefs selected one, which was publicly hoisted, and was saluted with twenty-one guns by H.M.S. 'Alligator,' on the 20th March, 1834.

Lord Aberdeen, as Secretary of State, approved of these proceedings. The chiefs sent an address to the King of England, thanking him for the acknowledgment of their flag, and asking for further recognition in return for the aid they always afforded to British subjects.

The English Government temporized, as though they hoped that the difficulty, if let alone, would settle itself. By some acts they had treated New Zealand as part of the British Empire. Governor Phillip's commission had always been interpreted as including New Zealand. In 1814, when Marsden went thither with the Gospel, Governor Macquarie had issued a proclamation, asserting rights of government, and had appointed magistrates to exercise authority. The statute, 57 Geo. III. cap. 53 (1817), "for the more effectual punishment of murders and manslaughters committed in places not within His Majesty's dominions," specially designated New Zealand as one of such places, and two statutes for administration of justice in New South Wales, while giving power to the Supreme Court in the colony to try such crimes, declared that New Zealand was "within His Majesty's dominions." The appointment of Bus in 1832, showed a doubting condition of mind. The recognition of the flag implied repudiation of any claim of sovereignty but the Government, nevertheless, spoke occasionally with uncertain voice.

Soon after the saluting of the Maori flag<sup>1</sup> the fair fame

<sup>1</sup> It is described in W. B. Marshall's 'Personal Narrative.' London, 1833. It was white, with a St. George's cross; and in the upper corner on the left hand, a blue field with a red cross, and four white stars. Before the chiefs voted, one of them consulted Mr. Marshall, and took his advice as to his vote. The chosen flag received twelve votes; another ten; the third six. Two chiefs abstained from voting, apprehensive that some hidden danger lurked in the adoption of a flag.



the navy was tarnished at Taranaki, where the whaling bark 'Harriet' was wrecked in April, 1834. Guard, the master, had been trading at the islands about eleven years, with his crew, and knew, and was known by, many Maoris. His story was that a few days after the wreck two of his men deserted, joined the natives, and supplied them with gunpowder for an attack, which was made on the 10th May; that many Maoris were shot at first, but the others improvised trenches, by means of which they closed upon Guard, who at last fled with about a dozen others, leaving his wife and two children, and twelve dead or wounded in the hands of the conquerors; and that in running away he met a hundred natives of another tribe (the Ngatiawa) and surrendered to them. "Some wanted to eat us, others to protect us, which providentially they did, and sent a guide with us to Moturoa." There the fugitives were fed. The Moturoa natives rescued one of the 'Harriet's' whale-boats and brought back the two deserters; and three chiefs accompanied Guard and five companions in the boat, for securing which Guard promised the chiefs a cask of gunpowder. They reached Blind Bay, but were detained afterwards by natives, and "had we not known some of them they would most likely have kept our boat." These considerate natives were from Kapiti, Rauparaha's home.

Crossing to Port Nicholson, Guard took a passage thence to Sydney in the 'Joseph Weller,' and appealed to Sir R. Bourke to rescue the captives at Taranaki. The Moturoa chiefs were with him. It had been intended to call at Moturoa for Guard's brother and the eight surviving men, but the wind was adverse. Guard said, "The chiefs did not object to being brought to Port Jackson, but they would, I think, have preferred being landed at Moturoa." He declared that while at the latter place he was several times "offered some of our own people's flesh to eat, which had been brought from the wreck in baskets."

Guard was at once examined by Sir Richard Bourke and his Council. One of them (the Treasurer, Mr. C. D. Riddell) shrewdly suspected that the fighting between the crew and the natives had arisen from licentious quarrels, which the desertion of two of the crew implied, and which were afterwards ascertained. But the horror of the tale overbore Riddell's averment

that it was incoherent and might be false, Guard having been "formerly a convict, and his dealings with New Zealanders having in some instances been marked with cruelty." It was resolved however, and Captain Lambert was enjoined, to use "amicable means," lest a "spirit of revenge of hostility" should be excited among other tribes. Force was to be employed only on failure of "amicable means."

Captain Lambert, on the 12th September, put an interpreter, with a companion, on shore at the Numa, a Ngatiruanui pah. They were instructed to say that he wished to avoid hostilities, but would give no ransom, and would employ force if necessary to recover the captives. Foul winds prevented the emissaries from regaining the ship until the 16th September. They had been in fear for their lives, and they had promised a cask of gunpowder as ransom for the woman and children.

The 'Alligator' proceeded to Moturoa, landed the Ngatiawa chiefs, and received all the shipwrecked sailors, with the exception of two who had absconded, and one of whom had been drowned in attempting to cross a river, while the other succeeded in reaching a missionary station at Kawhia. Captain Lambert refused to give the cask of gunpowder promised by Guard to the Ngatiawa.

On the 28th a military force was landed to attack the Numa pah. Two unarmed Maoris met the military. One of them addressed Guard familiarly and told him that the captives were well and would be surrendered for the promised ransom. The officer, who for the time represented the majesty of England, seized upon the astonished chief, O-o-hit, and, with assistance from Guard and others, dragged him to the boat, buffeting and pricking him with bayonets on the way. O-o-hit sprung overboard, was shot at, wounded, recaptured, and taken to the ship. The surgeon found ten wounds on the head, inflicted by armed men on an unarmed man who had met them confidingly on the strength of the promises of the interpreter.

Captain Lambert's account of the transaction was brief: "We fortunately secured the chief who had charge of Mrs. Guard; he was severely wounded in trying to make his escape from the boat."

The natives fled from the Numa pah, and the military

occupied it. On the 29th (Lambert reported) Captain Johnson, 50th Regt., "finding all communication with the natives at an end, after having completely destroyed their pah, embarked, and returned on board without a single accident."

During these events one of the Maoris, who had gone on board the 'Alligator' soon after her arrival, preserved a quiet demeanour. He was landed on the 30th at Waimate, in order that he might inform the tribe that O-o-hit's life was safe, but that he would "never be given up until Mrs. Guard and her children were restored."

The Ngatiruanui were seen in great numbers, listening to harangues from their chiefs. On the 31st two boats were sent to the shore, and O-o-hit from one of them addressed his people, who, with signs of joy, conveyed Mrs. Guard and the youngest child in a canoe to the 'Alligator's' boat. Captain Lambert reported that as the wounded chief "had no power over the tribe who possessed the boy, I sent him on shore as I had promised." There was much rejoicing and dancing on the shore in welcome of O-o-hit.

Lambert sent a lieutenant to ask for the other child, but he was "fired at from one of the paks while waiting patiently outside the surf. Such treachery could not be borne, and I immediately commenced firing at them from the ship." The Maoris hoisted a white flag, but the cannonade was continued for three hours. A chief was seen with the boy in one hand and waving a white flag with the other, but the fire was not slackened, and all the canoes within sight were destroyed. A westerly wind drove the 'Alligator' away, and she anchored in Port Hardy until the 5th October, when she bore off for Waimate. On the 6th the child was seen on the shore with his keepers. On the 7th a Maori went on board the 'Alligator,' and a message was sent to the effect that the holder of the child would take it on board if any of the officers would remain on shore as hostage for the chief's return. An officer volunteered, but Captain Lambert would not permit him to undertake a service deemed dangerous.

On the 8th a party of soldiers and marines were landed with Guard and his crew, and a six-pound carronade to bombard the paks. While it was being drawn into position Maoris advanced.

Conference was held, and they said that they were desirous of peace and willing to give up the child.

A chief—carrying the child on his shoulders and followed by others, O-o-hit walking in the rear—came forward ; while flags of truce were flying on both sides. Of the treatment he received there were various versions. The official narrative of the soldier indicated that the chief, being told that no ransom would be given, turned to go ; that a sailor shot him ; that the marines first, and then the soldiers from the height, poured a general fire upon the startled Maoris, without any order from Captain Johnson, who commanded the party. Afterwards, Johnson, thinking the natives hostile, advanced upon them and captured their pahs, one of which contained, in his opinion, about 200 huts

Captain Lambert reported to Governor Bourke that by four p.m. both pahs were taken, and the child on board, “without sustaining any loss, while that of the natives has been considerable,” and all their canoes were destroyed.

He did not report that the chief’s head was cut off, and that on the following day the triumphant soldiers and marines amused themselves by kicking it to and fro.”<sup>1</sup>

“Thus, by their cruelty and obstinacy have these guilty tribes been most justly and severely punished,” was Captain Lambert’s final commentary on the transactions, for their share in which he praised all concerned. He thought that “twenty to thirty natives” had been killed.

Sailing to Kapiti he found Rauparaha’s followers “in considerable alarm,” and issued a notification (11 Oct.) that he had only avenged the “horrid murder of part of the crew of the ‘Harriet,’ and that the King of England was friendly to Maoris, but would punish offenders.”

He had, however, given an ill-name to his countrymen, not so much on the ground that he had taken life, as because the natives believed that he had broken his word as a “Rangatira,” or gentleman. They who cherished hatred against the French for generations, on account of the deeds of Marion du Fresne, were not likely to forget the breach of faith at Waimate.

<sup>1</sup> Surgeon Marshall, who tells this tale, adds that the head was afterwards buried by himself and Lieutenants Clarke and Gunton, and that they “heaped over it a cairn of stones.”

When the facts became known in Sydney, the aged Marsden regretted that he had not been alone with the Maoris to obtain the restoration of the captives, and owned that the institution of some law, even foreign, was imperatively demanded, if only to save the Maoris from marauding violence.

The blood-stain at Taranaki roused horror at the Colonial Office. Mr. Marshall,<sup>1</sup> a surgeon on board the 'Alligator,' published, in 1836, a narrative of the brutalities committed. It was dedicated to Lord Glenelg (the new Secretary of State), and fervently appealed to him, and to right-minded Englishmen, against the atrocities which the writer had witnessed. He published proof that the attack on the crew of the 'Harriet' was not the result of a general plot, but supervened after quarrels among the crew and the debauchery of a fortnight.

The breach of promise of ransom, the conversion of the head of the chief into a "tennis ball for the sport of private soldiers," "the savage cannonading of two villages, crowded with a mixed multitude of men, women, and children," . . . "the gratuitous and crowning cruelty of burning the habitations and consuming the provisions and fuel laid by in store for many coming months," were told with horror.

The one redeeming feature was that when the child was seized while the English flag of truce was flying, and indiscriminate slaughter was commenced, "Ensign Wright<sup>2</sup> of the 50th regiment hurried along the line breathless with haste, and crying to the men at the top of his voice to cease firing. For some time he was entirely disregarded, and not only generally disobeyed, but in some instances laughed at; nor until several dead bodies were seen stretched upon the sands could the united efforts of himself and the other officers put a stop to the frightful tide of slaughter."

<sup>1</sup> A 'Personal Narrative of Two Visits to New Zealand in His Majesty's ship "Alligator," A. D. 1835.' By William Barrett Marshall, Surgeon; Assistant-Surgeon, R.N.

<sup>2</sup> Mr. Wright eventually left the army, and died more than forty years afterwards while holding the office of Sheriff at Melbourne. His numerous friends in Victoria may be gratified to read that in his youth he proved his humane disposition at personal risk. The man Guard remained in New Zealand, and acted as volunteer pilot in Cook's Straits for some years.

"Nothing," Mr. Marshall wrote, "can justify so foul a deed of blood."

When the 'Alligator' called at the Bay of Islands after her exploits at Taranaki, and when Mr. Marshall saw Maori congregations gathered to hear the preaching of the missionaries, he declared his inability to describe his feelings.

The contrast between what he had seen at Taranaki and what he saw at Paihia spurred him to cry out to his countrymen to aid the missionary work.

At the latter place he said, a "spectacle of greatest sublimity and most affecting interest is to be seen, week after week, of whole multitudes met together to make known their wants and weaknesses unto the God of the whole earth, and 'laying aside all malice, and all guile and hypocrisies and envies, and all evil speakings.'" . . . These effects have, it is undeniable, been introduced by the introduction of Christianity among the savages of New Zealand."

His concluding words were an appeal to Christian Englishmen to send a pastor to the western tribes, amongst whom he had seen a king's ship inflicting the wrongs he had described.

The publication of Marshall's narrative took place in the same year (1836) that the Select Committee<sup>1</sup> of the House of Commons found cause to animadvert upon the "lawless and infamous mode of British colonization which is now making rapid progress, and which, all testimony concurs in asserting, threatens to exterminate the New Zealand race;" and to declare that the native inhabitants "of any land have an incontrovertible right to their own soil."

In 1838, the popular author William Howitt<sup>2</sup> published a scathing diatribe upon the horrors which, in the South Seas and elsewhere, were perpetrated by Europeans. He saw some

<sup>1</sup> Captain Lambert was examined by the Committee. He was unable to tell how the scuffle originated when the chief was wounded and dragged on board. He concluded that, when the other chief brought the child down, one of the sailors fired the first shot, and then the general firing began, but he was not on shore himself. One man seized the child, and simultaneously another shot the chief. Lambert was shocked (he said) at the cutting off of the chief's head; but he did not explain his reticence on the subject in his report to Governor Bourke. Marshall also gave evidence before the Committee.

<sup>2</sup> 'Colonization and Christianity.' William Howitt: London, 1838.

gleams of hope,—in the formation of an Aborigines Protection Society in London ;—in the admission by the Select Committee that the native government should be advised—that is directed—by the missionaries who had induced the chiefs to form it ;—and in the profession of the New Zealand Association that their plan was framed to Christianize and civilize, and “serve in the highest degree, instead of gradually exterminating the aborigines,” to whom the land truly belonged.<sup>1</sup>

Mr. Busby availed himself of the presence of the 'Alligator' at the Bay of Islands in October, 1834, to enforce a decision against the chief Pomārē, who was alleged to have defrauded a runaway trader.

The man had a small schooner, and contracted for flax and timber with Pomārē. He sold the articles to ship-masters without paying Pomārē for them ; and then, selling his schooner, decamped. Pomārē seized the schooner as security. The purchaser from the runaway urged Mr. Busby to resume the schooner under the 'Alligator's' guns. Busby without due inquiry demanded the schooner, and Pomārē laughed at him.

The 'Alligator' moved up the harbour to the promontory on which stood Pomārē's pah. Before opening fire upon the place negotiation was thought prudent.

The Revds. W. Williams and W. Yate landed to ask Pomārē to go on board the man-of-war. He declined until the missionaries reminded him that their wives and children at Paihia were in the power of the Maoris, and were hostages for his safety. Then he started to the ship, which he saluted from his fort with two guns which he had procured.

On board, after a moment's hesitation, he went into the cabin undauntedly, and proved his case so clearly that the captain and Busby had no doubt about it. Pomārē agreed to leave it to the missionaries to decide what compensation he was to receive, and undertook to deliver the schooner on receiving the amount.

It was found that he had been robbed of twenty pounds.<sup>2</sup>

<sup>1</sup> 'British Colonization of New Zealand' (p. 42). Published for the New Zealand Association. London, 1837.

<sup>2</sup> Evidence before House of Commons of Rev. W. Yate, and Personal Narrative of W. B. Marshall, Surgeon, H.M.S. 'Alligator.'



Perhaps admiring the boldness of Pomārē in venturing on board, Captain Lambert humoured him by according him a salute of two guns on his departure.

Although Lord Howick had wished the House of Commons to believe that the British Resident would be in security at the Bay of the Islands, because there was a very amicable intercourse between New South Wales and New Zealand, Busby was to learn hard facts of a different kind.

In May, 1834, his house was attacked at night. Furniture was stolen. Shots were fired, and he was wounded by a splinter from his doorway. Armed men from ships in the harbour rushed to the scene, but the robbers had decamped. Henry Williams took his wife to stay with Mrs. Busby as a protection, and sent messages to the chiefs asking them to join in detecting the offenders. Williams acted as watchman at Busby's premises, assisted by several Maori youths.

Ten European residents in a written document demanded, for the future safety of their wives and families, that Busby would "bring the natives to a proper sense" by the fulfilment of a punishment "justly due to the crime committed." If Busby should "decline from the character of the station" he occupied, he would cause them to "doubt the intention of the Government" in appointing him.

Busby informed them that the "extraordinary character" of their letter rendered it impossible to take further notice of it than to observe that the chiefs had "shown no want of a proper sense of the treatment to be observed to the representative government," but had "hastened to express their abhorrence of the attack," and promised to "use every means to bring to punishment the guilty parties."<sup>1</sup>

In October the offender, Reti, was discovered. With a guard of seventy armed men Titore brought him forward to stand his

<sup>1</sup> After several years' residence in New Zealand, Busby seems to have misunderstood the warlike capability of the Maoris. He wrote (1837), "With regard to the number of troops which it might be necessary to maintain, I think it would require but little knowledge of military tactics to satisfy any one who has witnessed anything of the warfare of the natives, that one hundred soldiers would be an overmatch for the united force of the whole islands." There was probably no Maori who had such "little knowledge of military tactics" as Busby ('N. Z. P. P., F. No. 3,' p. 66).



trial. Henry Williams was told to accuse him publicly. He did so. After much talking Reti admitted that he had fired at Busby. Williams told Titore that the missionaries wished Reti's abode at Puketona to be confiscated to the use of Busby or of the British Government, and that Reti should leave that part of the island. Titore thought the proposal moderate.

H.M.S. 'Alligator' was at the Bay of Islands (after her exploits at Taranaki), and Captain Lambert attended at a meeting of chiefs and others in front of Busby's house, which lasted three hours. Lambert complimented the missionaries on their endeavours, and left them to settle the business.

The chiefs declared that they could not punish Reti unless he confessed his crime. When he did so, some suggested that he should be shot on the spot, but eventually—the counsels of Titore prevailing—the proposal of the missionaries was adopted.

In 1835, Busby felt called upon to denounce the project of De Thierry, who had arrived at Tahiti in August, and had issued a proclamation styling himself "Charles, Baron de Thierry, Sovereign Chief of New Zealand, and King of Nuhuheva," one of the Marquesas Islands. The pretender promised to be gracious to the missionaries and others under his sway.

Busby called a meeting of the chiefs to consider the crisis. It is probable that Captain Lambert's exploits at Taranaki conduced to persuade them. Several assembled. With Busby's concurrence they declared (28 October) their independence, under the name of the United Tribes of New Zealand; declared that within their territory all sovereign power and authority resided entirely and exclusively in the hereditary chiefs and heads of tribes collectively, and that a Congress should meet in each autumn to make laws; invited the southern tribes to join their confederation; and entreated the King of England to be their Protector against all attempts upon their independence, promising friendly offices towards all British subjects. With Busby's aid it was understood that laws would be made. In rural districts a chief and a European sheriff were to administer the laws, and a mixed force of Maoris and Pakehas was to be formed to support authority.

Thus fortified, Busby wrote (30 October) to De Thierry to "defeat his enterprise." He denied De Thierry's title, and sent

a copy of the Declaration of Independence. He sent a copy of a notification he had issued in New Zealand, appealing to all British subjects to resist De Thierry's pretensions.

The pretender replied (in 1836) that New Zealand was not a British possession, that Tasman was there more than one hundred years before Cook, that he was "the humble champion of the present and future liberties of New Zealand," and would not be warned "not to approach (his) property."

Of this letter he sent a copy to the Governor (Bourke) in New South Wales. In 1837 he found his way to Sydney, and offered to lay down his sovereign title if Bourke would guarantee "protection" to him. Bourke declined. Would Bourke like to see him protected under the French or American flags? Certainly not.

Such was De Thierry's record in his autobiography. Bourke wrote in September, 1837, to Lord Glenelg: "I have not considered it my duty to interpose any obstacle to his proceeding to New Zealand, of which country he claims to be a chief by right of purchase. He denies all intention of prejudicing the interests of Great Britain, and professes a reliance upon moral influence alone for the authority he expects to acquire."

Nevertheless, De Thierry issued a bombastic "Address to the white residents" at New Zealand, saying: "I go to govern, . . . but I neither go as an invader or a despot." He gathered a motley crew in Sydney, and (leaving his tutor there suffering from *delirium tremens*) landed in his own delirium at Hokianga, 4th November, 1837, to ascend his throne, having ninety-three followers. He found one European who was willing to vacate his premises on receiving £2000. The Baron had not the money. The white residents at Hokianga sneered at his pretensions. The Maoris called him a pretender—King Pukanoa—a king unauthorized. But they took pity on him, while they smiled at his claims. They consulted with the missionaries as to what should be done to rescue his ragged crew from want.

Waka Nene and other chiefs met him at Otararau. They acknowledged the receipt of a few axes from Kendall, and pointed out a section of two or three hundred acres as the equivalent. His retinue joined in jeering him. There seemed

to be danger. He armed to defend himself. Deserted by most of his people, he escaped to a spot he called Mount Isabel (in honour of his wife), and hoisted his despised flag there, "leaving the baser material of the expedition to the contempt of the world." In his journal he bitterly inveighed against Busby's assertion that the axes given by Kendall had purchased no extensive territory, and animadverted upon Kendall as a deceiver. Maugre his assertions all who knew Waka Nene, Taonui, and Patuone thoroughly believed their account of the transaction, and their readiness to keep faith.

Captain Fitzroy, R.N., was examined before a Committee of the House of Lords in 1838, and scouted De Thierry's claim. Nevertheless, when the French Bishop, Pompallier, arrived at Hokianga, in 1838, there was an uneasy feeling amongst European residents lest the frail flag of the Baron should be changed for the lilies of France.

Other French ships were soon seen in New Zealand waters, and public opinion gravitated to a belief that unless England should anticipate her, France would lay claim to the islands.

The distressed Baron meanwhile eked out a miserable subsistence, nursing his hopes, and occasionally receiving letters from France which he described as flattering but long delayed.

While his wild and weak scheme was exhaling into the air a more serious effort demanded the attention of the English Government. One of the most subtle brains of the time was busy to compel colonization. Edward Gibbon Wakefield,<sup>1</sup> having startled the political world by broaching a new theory of colonization in 1829, had, by letters, pamphlets, and books, stirred public opinion and created adherents who gathered round him like the followers of an ancient philosopher.

The shadow of a social disgrace had been upon him, and when he propounded his ideas in his 'Letter from Sydney' (edited by Robert Gouger), he kept his name from view. In 1830 he caused the formation of a Colonization Society, but still he laid no claim to the parentage of his theories. In 1831 and 1834 he formed associations for colonizing South

<sup>1</sup> Dr. Thomson, in his 'Story of New Zealand,' calls him "the notorious Gibbon Wakefield." Convicted of abduction he had been sent to Newgate.

Australia. In the latter year an Act of Parliament was passed for the purpose.

By degrees the founder of the new philosophy was recognized, and privately and publicly his powerful voice and pen prevailed.

In 1837 a New Zealand Association was formed. Mr. Francis Baring was chairman. Lord Durham, Mr. Hawes, Sir W. Molesworth, Mr. H. G. Ward, the Rev. Samuel Hinds, and several members of Parliament were on the committee. A volume of more than four hundred pages was published for the Association at once. It told some of the horrors enacted in the islands, and laid bare before the House of Commons in 1836. It described the capacities of the land. It printed as an appendix an eloquent appeal by one of its members (a Cambridge graduate) for "exceptional laws in favour" of the Maoris. The Association, in a preface, thanked the writer for his "masterly and beautiful contribution." It declared that "no attempt should be made to convert any part of the country into British territory without the full, free, and perfectly-understanding consent and approval" of the chiefs, and that public opinion forbade "the invasion and confiscation of a territory which is as truly the property of its native inhabitants as the soil of England belongs to her landlords."

Lord Glenelg was not unwilling to grant to such an Association a charter of colonization, which would protect the inhabitants or chiefs whose "free consent" was requisite. The charter was to be for a limited term, and the Queen was to have a right to disallow all local enactments, and a veto on the nomination of all functionaries. The area of the settlement was to be limited. No contract for land was to be valid unless sanctioned by the Crown, and ample participation of the proceeds of land-sales was in all contracts to be secured for religious and scholastic instruction of the Maoris. Certain subscribed capital, with a definite paid proportion, was to precede the assumption of any authority under the charter.

Lord Durham took exception to the last condition. The Association wished "neither to run any pecuniary risk nor reap any pecuniary advantage."

On this and other grounds the negotiations were abandoned. The Association asked whether the Government would oppose

the introduction of a Bill to secure their objects. Lord Glenelg replied that they would not, but that they "desire it to be distinctly understood that they do not in any degree pledge themselves to the future support of it, but hold themselves at liberty to take any course which they may think fit with regard to it in any of its subsequent stages."

At this juncture Lord Durham withdrew his own and Gibbon Wakefield's energies to Canada, where the former, then the idol of extreme reformers, had been made Governor in a time of trouble.

The New Zealand Association was not idle although its high-priest was for a time withdrawn. Out of the efforts, the time grew also a small Company (the Manukau and Waitemata) whose course and termination may be told hereafter.

A Select Committee of the House of Lords took evidence on New Zealand affairs. In April, 1838, Neti, a Maori who had gone to France in a French whaler with the hope (ungratified) of seeing Louis Philippe, gave evidence. Vanity perhaps made him profess to be of higher rank as a chief than he was entitled to. In England he lived with Mr. E. J. Wakefield a nephew of Gibbon Wakefield. Dr. G. S. Evans, who was to assume a position under the New Zealand Company, gave evidence in May.

In June, 1838, Mr. Francis Baring obtained leave to bring in a bill for founding a British colony in New Zealand. The first reading was carried by seventy-four votes against twenty-three, the Government not opposing it.

On the 20th June, Sir George Grey on behalf of the Government resisted the second reading. Sir Robert Inglis congratulated him. Mr. Hawes, a member of the Association, considered the opposition of the Government ill-timed. Mr. Gladstone threw his weight into the scale. The House ought to be cautious. "There was no exception to the unvarying and melancholy story of colonization." Mr. H. G. Ward, a member of the Association, retorted that interference ought not to be delayed. "The European visitors of New Zealand had entailed on it all the curses of civilization without its benefits. . . . The last persons who ought to oppose the bill were the members of the Administration. During the whole

of his experience in public life he had never known so much uncertainty, vacillation, or change of purpose displayed by the Ministry towards those connected with the undertakings, whom he himself, relying on the faith of the Government, had been a party to deluding." Viscount Howick disclaimed having given encouragement. The moment he heard that a loan was proposed his answer was that the Government could not think of giving encouragement to "a bill which gave no security against inveiglement of Her Majesty's subjects, nor for observance of justice towards the aborigines."

The bill was thrown out by ninety-two votes against thirty-two, but the promoters worked unceasingly to effect their purpose, and Gibbon Wakefield's ire was excited against Lord Howick, whom he accused of voting against the project he had formerly patronized.

The secretary of the Church Missionary Society, Mr. Dandeson Coates, also incurred the wrath of the Association by opposing their scheme as fraught with danger to the Maori race.

The disallowance of Lord Durham's Ordinance in Canada, and his abandonment by the Melbourne Ministry, terminated his Canadian career, and Gibbon Wakefield returned to England free to devote his energies to New Zealand.

Though Lord Glenelg was not a man to initiate a decided policy, Wakefield drove him onward step by step.

In December, 1838, he consulted the Foreign Office. Busby's appointment as Resident under the control of the Government of New South Wales had proved inoperative. The objects of the chiefs who, as united tribes, had sought England's protection when alarmed at De Thierry's pretensions, had not been attained. The autumnal meetings of chiefs had not been held. Lord Glenelg was of opinion that order might be "more effectually attained by the appointment of a British Consul to reside at New Zealand." Lord Palmerston, Foreign Secretary, concurred, but it was not until August, 1839, that the appointment was made.

Captain Hobson, R.N., who had been sent by Governor Bourke to New Zealand in 1837, with H.M.S. 'Rattlesnake,' had suggested, with the approval of Sir Richard Bourke, that

factories should be formed at certain ports,—the chief factor being accredited to the chiefs as political agent and consul,<sup>1</sup> being assisted by other Europeans as magistrates, and strengthened by a treaty made with the chiefs binding them to recognize the factories and protect British property. The amount of that property might be inferred from the fact that there were nearly two thousand British subjects in the islands, and that a hundred and fifty-one vessels had entered in the year 1836 at the Bay of Islands, infested with “abandoned ruffians” from Britain. It seemed proper to select Hobson to give effect to his own proposal; but he did not receive his instructions from Lord Glenelg, who had fallen sacrificed by his colleagues when they annulled Lord Durham’s Ordinance, which they had previously approved, but which, under Lord Brougham’s coercion, they abandoned. The Marquis of Normanby took the seals at the Colonial Office.

The resourceful Wakefield, early in 1839, constructed a new engine. He formed a New Zealand Company, of which he made Lord Durham Governor, and Mr. Joseph Somes Deputy-Governor. Members of Parliament were among the Directors, and, though Wakefield’s name did not appear, it was well understood that many documents signed by Somes were written by Wakefield. For him the opposition of the Colonial Office and of the Church Mission Society had no terrors.

The Government position was illogical. It had claimed New Zealand through Cook’s discoveries, and had saluted a Maori national flag. It had appointed magistrates at the Bay of Islands in 1814, and had subsequently declared that New Zealand was “not within His Majesty’s dominions.” It passed a law in 1817 to punish crimes committed in New Zealand. It had in 1832 appointed a Resident without power, and in 1838 had resolved to appoint a Consul.

The omission of New Zealand from the islands under the

<sup>1</sup> Mr. Busby, in 1836 and 1837, had officially advocated a British protectorate, and a Commission to settle titles to land, and to “declare void all purchases” of which sufficient notice had not been given to the Government, “in order that the real proprietors of the land might be ascertained.” Busby’s letter, and Captain Hobson’s, were published in London in 1838, with ‘Introductory Observations, by S. Hinds, D.D.,’ “one of the Council of the New Zealand Association.”



commission of the Governor of New South Wales in 1821 was imputed by a subsequent Governor to accident.

Lord John Russell at the Colonial Office was of opinion that "New Zealand was by solemn Acts of Parliament and of the king" recognized as a substantive and independent state."<sup>1</sup>

It was to no purpose that Lord Normanby declined to receive a deputation from the new company if the "rejected offer of 1838" was to be claimed as a pledge. With the names of the men he had put in front of him, Wakefield could afford to be bold. He scorned the dilatory tricks of officialism. The new company assumed to combine the interests of its predecessors in 1825 and 1837. Presumptive titles to land bought in the former year might be used as a fulcrum or a stand-point. A capital of £100,000 was paid up, and a hundred thousand acres of land in New Zealand were sold in London before a title to one had been acquired. They who paid money drew lots for sections unknown of lands which the company was about to seek.

In April, 1839, the ship 'Tory' was prepared to sail with the first instalment of the company's settlers. Colonel Wakefield a brother, and E. J. Wakefield a son, of the prime mover were amongst them.

Introductory letters to Governors of colonies were solicited at the Colonial Office. Lord Normanby was taken by surprise. He would neither give the letters nor sanction, directly or indirectly, any effort to buy lands and establish a system of government independent of the authority of the Crown. He wished it to be "further understood that no pledge can be given for the future recognition of Her Majesty of any proprietary titles to land within New Zealand which the company or any other persons may obtain by grant or by purchase from the natives." It was probable that the Queen would be "advised to take measures without delay to obtain cession in sovereignty" of lands occupied by British subjects in the islands.

If the Secretary of State hoped thus to arrest Gibbon Wakefield, he knew little of the audacity and resource which guided the company's proceedings.

<sup>1</sup> Memorandum sent to Lord Palmerston. Parliamentary Papers, House of Commons, 1840, vol. xxxiii. Lord John accepted a contrary opinion afterwards, but he was ever ready to modify an opinion for a party purpose.



Before divulging his schemes to the public Wakefield sent his first ship, the 'Tory,' to New Zealand, under the control of his brother, Colonel William Wakefield, who received elaborate instructions for his guidance. He was to be philanthropic and just. If his conduct had been conformable to his ostensible instructions the history of New Zealand would have shown a fairer page. Neither he nor his employers regarded them.

There was a rumour that the government might stay the departure of the 'Tory.' Gibbon Wakefield, nothing daunted, despatched her in secret, travelling (it was said) by night to escape observation. The formation of the company was then announced, and on the 22nd May, 1839, Lord Durham, on its behalf, sought an interview with Lord Normanby, announcing at the same time that "preparations for a very extensive emigration were in progress in various parts of England and Scotland. Under these circumstances, the gentlemen whom I represent trust that Her Majesty's Government will be convinced of the expediency, or rather the necessity, of affording to British settlers in New Zealand better securities for law and government than have hitherto been established amongst Her Majesty's subjects there."

He enclosed a prospectus of the "New Zealand Land Company" for whom he wrote. They had already purchased "very extensive tracts of land." The pioneer vessel (the 'Tory') now on the seas was to purchase more, "in eligible spots."

A society had been formed, in immediate dependence on the company, with a view to prompt settlement of numerous families in New Zealand. The prospectus issued by this last society showed that the "first colony was to depart in a body during August next." The authority of Lord Durham, the reputed framer of the Reform Bill, the son-in-law of Lord Grey, the hope of advanced reformers, could not be waved aside. Sir William Molesworth, a man of no mean reputation amongst those whom the Ministry did not desire to offend, was also a member of the company.

The manœuvre by which the despatch of the 'Tory' was effected had shaken the ramparts of the Colonial Office. Gibbon Wakefield was victorious. The interview with the Marquis of Normanby took place. But that nobleman bestirred

himself to counteract the unauthorized occupation of the islands.

On the 13th June, the Colonial Office, by the pen of Mr. Stephen, intimated that "circumstances appeared to the Marquis of Normanby and to Viscount Palmerston to force<sup>1</sup> upon Her Majesty's Government the adoption of measures for establishing some British authority in New Zealand."

On the 15th June, Her Majesty extended the boundaries of New South Wales, so as to include such portions of New Zealand as the Crown might acquire; and on the 30th July, the office of Consul, of which Hobson was to have been the holder, was expanded into that of a Lieutenant-Governor. Lord Normanby frankly told him "that circumstances entirely beyond the control of the Government, had compelled them to alter their course, and that they departed from it with extreme reluctance."

On the 14th August, Hobson received his instructions.

Meanwhile, to every applicant for information from England, Ireland, or Scotland, Lord Normanby and Lord John Russell, his successor (August, 1839), gave a formal reply that "the Government had no connection with the New Zealand Company, nor any knowledge of their proceedings." Lord J. Russell went further. At a public meeting of emigrants under the auspices of the New Zealand Land Company, a document had been signed binding the subscribers to obey the rules and to respect the voluntary government of the settlement.

Lord J. Russell wrote to the chairman, Mr. G. F. Young, for a copy of the document, in order to obtain the opinion of the law officers as to its legality. After delay and much correspondence the document was forwarded with a letter, explaining that the company had meantime been advised that the agreement was unlawful, and had instructed their principal agent that he ought to assist Captain Hobson in establishing British authority.

With this assurance the Minister expressed his satisfaction, though he knew that the bold company openly prosecuted their schemes; and that deluded settlers were drawing lots in London for selection of New Zealand lands, which the Company affected to be able to sell. But Governors in ships of war did

<sup>1</sup> English Parliamentary Papers, 1840, vol. xxxiii.

not move so rapidly as Colonel Wakefield, the principal agent for the company, in the 'Tory,' despatched with celerity which confounded the Colonial Office. In the race for priority Colonel Wakefield was the winner, and in order to understand the difficulties of Captain Hobson's position it is proper to narrate Colonel Wakefield's proceedings up to the date of Hobson's arrival in New Zealand. Hobson was under constraints from which the Wakefields were free.

The Marquis of Normanby's instructions (14th August) declared that the Government concurred with a Committee of the House of Commons (1836) "in thinking that the increase of national wealth and power, promised by the acquisition of New Zealand, would be a most inadequate compensation for the injury which must be inflicted on this kingdom itself, by embarking in a measure essentially unjust, and but too certainly fraught with calamity to a numerous and inoffensive people whose title to the soil and to the sovereignty of New Zealand is indisputable, and has been solemnly recognized by the British Government."

The gathering together of lawless Europeans, some of whom were British convicts, the outrages and crime of which they were alternately the authors and victims, compelled the Government reluctantly to intervene. "To mitigate, and if possible to avert, these disasters, and to rescue the immigrants themselves from the evils of a lawless state of society, it has been resolved to adopt the most effective measures for establishing amongst them a settled form of civil government. To accomplish this design is the principal object of your mission."

He was to treat with the natives for "the recognition of Her Majesty's sovereign authority over the whole or any parts of those islands which they may be willing to place under Her Majesty's dominion." The task was difficult, and might excite Maori suspicions. Lord Normanby trusted that Hobson would "find powerful auxiliaries amongst the missionaries who have won and deserved the confidence of the natives, and amongst the older British residents who have studied their character and acquired their confidence."

Hobson was to induce the Maoris to contract with him not to cede in future any land "except to the Crown of England," and

by other methods to "obviate the danger of the acquisition of large tracts of country by mere land-jobbers." In acquiring land Hobson was to confine himself to districts where the Maoris could alienate it "without distress or inconvenience to themselves; to secure the observance of this will be one of the first duties of their official protector." There would be "a legislative commission" appointed to investigate land claims made by British subjects, to inquire how far they were lawful and ought to be respected, and what consideration had been given. Governor Gipps would then decide how far the claimants were entitled, and on what considerations, to "confirmatory grants from the Crown."

There were copious instructions on other matters, and the Marquis concluded by saying: "Aware how powerful a coadjutor and how able a guide you will have in Sir G. Gipps, I willingly leave for consultation between you many subjects on which I feel my own incompetency at this distance from the scene of action to form an opinion."

When these instructions became known in England, the New Zealand Company invited Lord Palmerston's attention (7th Nov. 1839) to the danger of admitting the independence of the Maoris in a land which Captain Cook had taken possession of in 1769. In France the Government was openly urged to protest against the colonization of the islands, or "to claim equal right with England to plant settlements there."

In reply Mr. Somes was informed, on the authority of Lord John Russell, that the pretensions made by the company on behalf of Her Majesty were, by "solemn acts of the Parliament and of the King of Great Britain," and otherwise, shown to be unfounded.

It was true, nevertheless, that public attention in France was directed to the colonization of the islands; and the complicity of the French Government in the enterprise of a French company will be established in a subsequent page.

Colonel Wakefield took with him in the 'Tory' the young Maori, Neti, already mentioned.

The instructions which Gibbon Wakefield caused the Directors to give to his brother recommended Port Nicholson

as the place where he might find the most eligible harbour for the settlement.

Colonel Wakefield was to be frank with the natives, and to make no bargain without taking care that all the owners of the land were "approving parties," and that each should receive his due share of purchase-money. No negotiation was to be completed till "thoroughly understood by the native proprietors and by the tribe at large."

The company would sell in England orders for "land (say 100 acres each) . . . and one-tenth of these land orders will be reserved<sup>1</sup> by the company for the chief families of the tribe by whom the land was originally sold . . . the priority of choice for the native allotments<sup>2</sup> being determined by lot, as in the case of actual purchasers. . . . You will take care that the servants of the company show every mark of respect to the missionaries with whom you may meet, and also in conversation with the natives respecting them. This is due to their calling; is deserved by the sacrifices they have made as the pioneers of civilization, and will moreover be found of service in your intercourse with the natives . . ."

The 'Tory' anchored in Queen Charlotte's Sound on the 16th August, 1839, and was at once visited by Maoris. Colonel Wakefield wrote (29th August): "The laws of property are very undefined in this part of New Zealand. Neither Rauparaha nor Hiko possesses the power of absolute disposal of any portion of land in the Strait. Great confusion exists respecting vested rights."

On the 31st August, he saw at Terawiti the man Barrett, one of the sailors who had served the guns at Nga-motu against the Waikato invaders, and had afterwards migrated to Cook's Straits where he was engaged in whaling. Wakefield employed

<sup>1</sup> The reserves were to be "equal to one-tenth of the whole." The art of a company's necessities is strange. It was afterwards contended that the reserves ought to be limited to an eleventh, on the plea that one part against ten, and not one of ten parts was the true construction of "one-tenth?"

<sup>2</sup> It seems strange that the acute mind of Gibbon Wakefield did not foresee that by this arrangement natives might be expelled from their cultivation grounds. That he did not anticipate trouble from entrance by Europeans on Maori burial-grounds was perhaps less to be wondered at.

him as pilot, and explored Admiralty Bay in a boat manned by natives. Barrett was also retained as Maori interpreter, although he belonged to that class of Pakeha Maori whose influence had been always injurious. He could talk the language much in the manner in which an unreading peasant talks English, but to ask him to deal with the intricacies of Maori customs was like remitting a question of general average to a man who has never heard of a ship and is unconscious of arithmetic. The consequence of the appointment was such as might have been foreseen. The injunction to pay respect to missionaries was neglected.

On the 17th September, Wakefield heard that Henry Williams was expected from the Bay of Islands, and he hastened with Barrett to Port Nicholson, whither Williams had sent to warn the natives against alienating their land.

At Port Nicholson, Wakefield found two chiefs who deprecated missionary instruction, and he cultivated their acquaintance. Descending the river Hutt in a canoe, he heard a Maori ask if any on board were missionaries. Wakefield's guide replied, "No; they are all devils." The shouts of laughter which followed the sally indicated in Wakefield's opinion the "uncharitable tenets" of the missionaries who had so long been contending against the atrocities they found in the islands, as well as those which Pakeha Maoris had introduced. It was easy for a barterer in fire-arms to win favour from the natives.

On the 25th he had inspected the land, and resolved to buy it, and produced his purchasing-wares on the deck of the 'Tory.'

A native missionary, Reihana, had been three months at the place. He, like Matahau, had been educated at Paihia. He had caused houses and chapels to be built at Port Nicholson. Though Wakefield encouraged sneers at the missionaries, he nevertheless sent for Reihana to witness his land-purchase. Dr. Dieffenbach, the naturalist, reported of Reihana: "I found him a very devout and honest man." But Wakefield was prejudiced against him. Reihana had vainly opposed the chiefs who desired to sell, but they could not induce him to forego his own rights.

Wakefield says: "I found him so exceedingly importunate on his own account and held in such slight respect among the

chiefs—afraid also of being a party to the transaction in case of future regrets on their parts—that I was not sorry when the plea of a sick child took him on shore again.”

One chief, Buacawa, both on shore and in the ship vehemently deprecated the sale. The debate continued till sunset on the 26th.

On the 27th, Wakefield promised an addition of twenty muskets to the goods offered, and after an encouraging address from Barrett the deed was signed.

One hundred and fifteen stand of arms, twenty-one kegs of gunpowder, one cask of ball-cartridges, night-caps, pipes, a gross of Jews' harps, and twelve sticks of sealing-wax, were part of the consideration. On the 29th the exultant chief, Warepori, proud of the fire-arms acquired, harangued some villagers who had not received much of Wakefield's treasure, telling them that the muskets would protect them. When a Christian Maori reproached Warepori for not endeavouring to reserve land for mission uses, the chief administered a rebuke, “eloquently delivered,” to the satisfaction of Wakefield.

On the 30th September, “the New Zealand flag” was hoisted on “an immense flag-staff” on shore, and was saluted with twenty-one guns from the ship. There was then a Maori dance. “The whole scene passed in the greatest harmony.”

On the 4th October, Wakefield inspected Cloudy Bay in the Middle Island, and on the 16th arrived at Kapiti to deal with Rauparaha, whom all men knew as the bloodthirsty chief who hired the wretched creature Stewart to aid him in a deed of blood. They knew him also as a powerful ruler uniting the best blood of the Ngatitōa with that of the Ngatiraukawa. His “mana” was recognized not only on both shores of Cook's Straits but in the interior. In all his deep-laid plots he was said to have succeeded. “To dive into the thoughts of Rauparaha” was a proverb expressing difficulty.<sup>1</sup> With him Wakefield was now to measure himself. He arrived at Kapiti on the 16th October, and was told that there had just been a great battle at Waikanae, between the Ngatiawa and the Ngatiraukawa. The victorious Ngatiawa were wailing for

<sup>1</sup> So noted was he that among the riotous Pakeha Maoris and their whaling associates he was spoken of as “Satan” and “the old Sarpint.”



their dead when Wakefield and his friends entered their pah. Rauparaha's Ngatitoa people had taken no part, but he had watched the battle as a friend of the Ngatiraukawa, and narrowly escaped capture in a sally, and his Ngatiraukawa friends had suffered great loss. Wakefield did not say that the quarrel was about his own ill-omened gifts at Port Nicholson; but such was the fact, admitted by the natives on both sides. Of this I was myself assured by the Bishop of Wellington, who was on the spot as the missionary Hadfield in 1839.

At Rauparaha's invitation Wakefield immediately visited him at Kapiti, and thought him fearful and servile, and for some time distrustful as to Wakefield's intentions. He rose and shook hands with his visitors, and told them that he was "determined to discountenance further fighting." He was "slow and dignified in his action,"<sup>1</sup> and "perfectly easy in his address. In resolving to visit and conciliate this old savage, however strong my repugnance to his character and practices, I am more led by the hope of acquiring his land on which to locate a society which shall put an end to his reign than by any good wishes to him."

On the 17th October, Rauparaha, with other chiefs, visited the 'Tory.' "They all came prejudiced against the sale of land . . . and also betrayed great jealousy respecting the purchase of Port Nicholson" (which was natural if it had led to the battle so disastrous to them on the previous day).

Wakefield thought that he convinced them that they would better their condition by parting with their land for his wares.

<sup>1</sup> Mr. E. J. Wakefield thus described Rauparaha: "His features are aquiline and striking, but an overhanging upper lip and a retreating forehead, on which his eyebrows wrinkled back when he lifted his deep-sunk eyelids and penetrating eyes, produced a fatal effect on the good prestige arising from his first appearance. The great chieftain, the man able to lead others, and habituated to wield authority, was clear at first sight; but the savage ferocity of the tiger, who would not scruple to use any means for the attainment of that power, the destructive ambition of a selfish despot, was plainly discernible on a nearer view. The life of this remarkable savage forms an era in the history of New Zealand." ('Adventures in New Zealand,' by E. J. Wakefield. London, 1845.) At the interview which caused this description, both the Wakefields thought that Rauparaha showed "fear and distrust" of them and of the company. They knew not that he possessed rare power of acting as well as of speech.



“No scruples” (he wrote on the 28th October) “would have deterred me from putting ever so large a quantity of fire-arms in their possession, as I feel sure that in this case they will not only prevent a war of aggression on the part of their enemies, but that they will be readily supplied by some party from Sydney desiring the land, in case the owners determine to become the attacking force.”<sup>1</sup>

On the 18th October, greedy for guns, Rauparaha and others made an arrangement which Wakefield affected to construe as a sale of all the Ngatitoa rights on both sides of Cook's Straits. Only Kapiti was exempted. Such a bargain would have left the Ngatitoa homeless, for the land of their birth at Kawhia had been solemnly alienated by tribal consent long years before.

Though the company admitted afterwards in London that they could not make good their claims if called upon to prove that the signers understood the deed, or that all owners had been consulted, it may be hoped that Wakefield did not act with premeditating deceit.

“The negotiation was difficult and disagreeable ; none of the good feeling I had met with at Port Nicholson being displayed. Their rights to large portions of territory are, however, indisputable.”

On the 21st—“the sight of the goods seemed to decide their intentions ; the quantity being far beyond what they had ever seen received for any sale of land in their country, and the reality of them convincing them that I had the means of performing my part of the treaty.” Wakefield explained that “reserves would be made for the maintenance of the chiefs, their families, and successors for ever,” and the 22nd of October was appointed for signing the deed of conveyance. But Hiko, Rauparaha's nephew, was ill on that day, and a small vessel arrived from Sydney with alarming tidings. The British Government was about to stretch its arm to New Zealand. On board the small trader there were “deeds from various merchants to be filled up by the chiefs' names.” The men of Port Nicholson were arriving to aid their kinsmen of Waikanae against the Ngatiraukawa.

<sup>1</sup> While openly acting on these principles, Wakefield professed to be shocked at the opposition of missionaries to his proceedings.

Wakefield could no longer dally. His deck was stored with wares on the 23rd, and Maoris of all sizes crowded round them. Waiting till the fire-arms were produced, Rauparaha (though nearly seventy years old) and others rushed to seize them. Hiko went away in anger, and Wakefield "sent the whole of the goods below." Recrimination followed. "If I were not aware of the cruel delusions and dishonest practices of most of the foreigners, they have seen, towards them, I should have been angry with their violent and perverse conduct." Commiserating the "mental condition of the wild race," Wakefield pursued his negotiations; and, on the 24th, Hiko and Rauparaha, without any followers, signed the deed and took away their double-barrelled guns. For fresh gifts of twenty muskets, eleven guns, twenty kegs of powder, and goods including two pounds of beads, Wakefield recorded gratefully that he had, by his two completed transactions, "acquired possessions extending from the 38th to the 43rd degree of latitude on the western coast and from the 41st to the 43rd on the eastern;" though "to complete the rights of the company to all the land unsold to foreigners in the above extensive district, it remains for me to secure the cession of their rights in it from the Ngatiawa, and in a proportionally small tract from the Ngatiraukawa and Wanganui people."

Such monstrous claims, by which whole tribes would have been unseated, even Colonel Wakefield could not hope to make good, but he wrote that whenever the time might come for scrutiny, it would be "found that but very few written records of purchases prior to this day's date of any portion of land within the boundaries of my purchase, can be produced." He had at least outwitted speculators from Sydney, but he knew not that there was a spectator there who had both will and ability to thwart much of the injustice which the shameful transactions on board the 'Tory' were calculated to inflict.

Colonel Wakefield wrote: "In purchasing on the large scale I have done in this transaction—in marking the boundaries upon the fullest and most satisfactory explanation and examination by parallels of latitude—I conceive that I have obtained as safe and binding a title as if the subject of negotiation had been but a single acre, and defined by a creek or notched tree; and

it must be remembered that nine-tenths of the land is without an inhabitant to dispute possession, and that the payment I have made to the owners is large, when valued by the standard of exchange known amongst them, and perfectly satisfactory to the sellers."

On the 25th October other chiefs signed the deed, but only eleven marks in all were procured for it. They could not by Maori law have conveyed the tribal land rights if they had wished to do so. It was fortunate, however, that there were so many as sixteen witnesses, for thus the production of evidence to refute the assertion that the natives understood what they put their marks to, was, at a future time, made easy, when a British Commissioner scrutinized the deed.

Even on the 25th October, Wakefield heard rumours that there was an opinion among the natives that he had included in his deeds lands which the signers had no power to deal with, but he was "rejoiced at the termination of the noisy and troublesome bargain."<sup>1</sup>

On the 26th, he remarked of Rauparaha: "It will be a most fortunate thing for any settlement formed hereabouts when he dies; for with his life only will end his mischievous scheming and insatiable cupidity." On the 27th, he had an interview with the Ngatiawa at Waikanae, and found that they wanted "nothing but fire-arms" from him.

On the 30th, he congratulated the company on the daily proofs of "the speed of our outward voyage having frustrated the intentions formed by the New Holland speculators on receiving the news of our departure and destination."

On the 8th November, he assembled some of the Ngatiawa chiefs upon his deck, and exhibited a deed purporting to convey to him, in trust for the company, their interests in an enormous territory, over much of which they had no control. "Know all men . . . that we the undersigned chiefs of the Ngatiawa tribes, residing in Queen Charlotte's Sound, on both sides of Cook's Strait in New Zealand, have this day sold and parted with . . . in consideration of having received, as a full and

<sup>1</sup> All the facts in the text will be found in the Appendix to the Twelfth Report of the Directors of the New Zealand Company, in which Colonel Wakefield's Journal appears.

just payment for the same, ten single-barrelled guns, three double-barrelled guns, . . . sixty muskets, . . . forty kegs of gunpowder, two kegs of lead slabs, . . . two dozen pairs of scissors, two dozen combs, two pounds of beads, . . . one thousand flints, . . .” &c. (the lands on both sides of Cook’s Strait, *i. e.*) “bounded on the south by the parallel of the 43rd degree of south latitude, and on the west, north, and east by the sea<sup>1</sup> (with all islands), . . . and also comprising all those lands, islands, tenements, &c., situate on the northern shore of the said Cook’s Strait, which are bounded on the north-east by a direct line drawn from the southern head of the river or harbour of Mokau, situate on the west coast in latitude of about 38° south to Tikukahore, situate on the east coast in the latitude of about 41° south,<sup>2</sup> and on the east, south, and west by the sea, excepting always the island of Kapiti (Rauparaha’s home) and the small islands adjacent thereto, and the island of Mana (Rangihaeata’s place of abode), but including Tehukahore, . . . Wairarāpa, . . . Port Nicholson, . . . Otaki, . . . Manawatu, Rangitiki, . . . Wanganui, Waitotara, Pātā, Ngatirūānui, . . . Taranaki, Moturōa, and the several Sugar-loaf Islands, and the river or harbour of Mokau.”

It is absolutely impossible that Wakefield could believe that the few signatures he obtained could convey to him the shore line from the Whareama river on the east coast to Mokau on the west, or the lands of the interior bounded by the line assumed.

The great tribes, Ngatitama, Taranaki, Ngatiruanui, Ngarauru, Ngatihau, Ngatiraukawa, Ngatiapa, Muaupoko, Rangitane, and the Ngatiawa and Ngatitoa (Rauparaha’s) would have been left landless, while the southern course of his “direct line” encroached on the territory of the Ngatikahungunu.

But he wanted signatures to his description, and the Maoris wanted guns. He did not explain the meaning of his deed. He trusted to profit by it, with the help of the powerful company he served. The Ngatiawa thought they were parting with their

<sup>1</sup> This included Hokitika on the west, and Cheviot and Kaikora on the east.

<sup>2</sup> This embraced the North Island from sea to sea, within the “direct line.” A glance at the map will show the folly of Wakefield’s pretences.

interests at Port Nicholson, and they were willing to do so, for the sake of the coveted weapons.

Wakefield himself described their avidity.

A dispute took place among the Maoris while the wares were being allotted, and it was not until he threatened to "put all the things below and go to sea," that some of the disputants were induced to leave the ship. Then he "took advantage of the momentary calm to secure the signatures of chiefs to the number of thirty. No sooner . . . had the distribution recommenced than a more violent altercation took place. . . . In a moment the most tumultuous scene we have ever witnessed took place, in which many blows were exchanged. . . . I understand that the tribes which had taken their goods on shore . . . had a similar if not more unfriendly distribution. . . . Never did a ship witness such a scene of violence without bloodshed."

Thus did Colonel Wakefield give effect to the humane professions of the New Zealand Company, and maintain the honour of his country. He did not obtain more signatures to the deed of the 8th November. On the 11th November he found that preparations for war were in active progress at Waikanae; but, if he knew, he concealed the fact that the quarrel was about his baneful wares. On the 12th he learned that the missionary, Henry Williams, was expected there. "Some people hope that his presence may prevent the encounter among the natives, but from what I have seen of these people, and know of their revengeful feelings, I have no idea that anything but a great slaughter on one side or the other will satisfy them."

Colonel Wakefield had done much to contribute to such a result. By his last "deed of purchase" he had added seventy-three stand of arms and forty kegs of gunpowder to the Ngatiawa means of war. Ignorant as he was of Maori tribal rights, it would have been impossible for him, even if he had been prudent and scrupulous, to make the purchases he affected to have made. He was neither prudent nor scrupulous, and the rush of speculators from Sydney hurried his proceedings. Anticipating missionary opposition, he discarded the wise instructions which enjoined him to pay such respect to the missionaries in New Zealand as might aid him in his intercourse with the natives. It may almost be asserted that he trusted

that if he could, *per fas aut nefas*, place Englishmen on the soil, the power of the Empire would by force of circumstances be drawn in to maintain them there.

On no other ground could his proceedings be explained. Having with a wave of his hand pointed to mountains in the interior, with another he pointed to a distant headland, and then defined his boundaries with pretentious precision, as including all harbours, rivers, &c., between invisible degrees of latitude.

He obtained signatures at random, and, leaving it to time and chance to cure defects and confound Rauparaha, sailed from port to port with his coveted munitions of war.

It cannot be said that he or his employers were without warning of the danger of his course.

Amongst the works cited in the volume published by the New Zealand Association in 1837 was Yate's 'New Zealand.'<sup>1</sup> The following sentence was quoted: "I believe a severe struggle would ensue before they would allow any force to take possession of their soil, or any portion of it, without what they deemed a fair equivalent."

The succeeding sentences in Yate's book could not have escaped the notice of the company, and ought to have regulated their proceedings.

"The rights of possession are held most sacred in New Zealand, and every one knows the exact boundaries of his own land, which remains his until death, or till the consequences of war take it from him. A strong tribe may make war upon one that is weaker, and, if they conquer, the land with all upon it belongs to them. But when the people have remained unconquered, and have possessions at a distance, they sometimes allow those possessions to be occupied by another, but fail not every year to assert their right to the place,—by claiming the fat of rats, or by going in a body—if it be forest land—to shoot and carry away the pigeons in the season; or to demand a portion of the payment, if any has been received by Europeans or others, for timber."

<sup>1</sup> 'An Account of New Zealand,' by the Rev. W. Yate, missionary of the Church Missionary Society. London, 1835. He was a resident in New Zealand for many years.

Though not a full description of Maori land law, the foregoing extract pointed to such tribal rights as those which existed amongst the ancient Germans, and implied that the title of individual occupiers was only usufructuary. It followed necessarily that no man could alienate land without the consent of his tribe. The further law of *post liminium*, which, like the Roman, restored to all his pristine rights an absentee returning even from slavery, was not so clearly laid down by Yate, but he showed that rights of absentees could be, and were, easily kept alive. Nothing could be more plain than that the rights of Wiremu Kingi te Rangitake at Waitara were important. He had migrated with his people to secure new territory at Waikanae long before the Waikato invasion and victory at Pukerangiora, in 1831. He had never concealed his resolution to return to the Waitara; and yet, as will be seen, Wakefield pretended to destroy his rights by an alleged purchase from about seventy persons, including children, who were found at Sugar-loaf Point, Ngamotu. The white man's stores were coveted there as well as at Port Nicholson. How much dishonesty was mingled with greed cannot be told. It is possible that some recipients did not know that Wakefield would claim through their signatures to have abrogated the rights of their tribes.

Yet ever, as he went, Wakefield had reason to know that his pretended purchases were almost worthless. His efforts to procure various signatures or marks proved that he was not entirely ignorant that rights to lands were tribal. The missionaries had long known the fact, and had so successfully conformed to it that no purchase made by them was ever disputed by the Maoris. The company's instructions referred Colonel Wakefield to "the system of dealings for land" established by members of the Church Mission Society, and commanded him to abstain "from completing any negotiation" for purchase until its probable result (the formation of a colony) "shall be thoroughly understood by the native proprietors and by the tribe at large."

A Wesleyan missionary, the Rev. J. Buller, visited Cook's Straits in January, 1840, and thus described Colonel Wakefield's operations: "It was patent to me that Colonel Wakefield's land claim would be hotly disputed. He had bought—or was

<sup>1</sup> Instructions (May, 1839) to Colonel Wakefield.



presumed to have bought—territory by degrees of latitude while in ignorance of the rightful owners.”<sup>1</sup>

An altercation with Rauparaha (not mentioned by Colonel Wakefield) is thus described by his nephew, E. J. Wakefield (Rauparaha had told Wakefield, Nov. 1839, that the claims of the latter in the Middle Island were unjust. He had sold him only Taitapu and Rangitoto there): “Colonel Wakefield reproached him instantly in the strongest terms with his falsehood and duplicity, making the interpreter repeat several times that he had behaved as a liar and a slave, instead of a great chief. Rauparaha, however, maintained an imperturbable silence, giving no answer to this severe attack. . . . We were, of course, much hurt by this rapid repudiation of his bargain, . . . we foresaw some obstacles . . . during the life of this deceitful old savage.”<sup>2</sup>

If Colonel Wakefield did not report to his employers this important difference between himself and the chief whose claims he admitted to be indisputable, he acted unfairly to them and to Rauparaha. If he did report it, the company acted dishonourably in concealing it from the public when they professed to publish their agent’s proceedings.

It will be found that when a British Commissioner examined the matter he found that Rauparaha was right and Wakefield wrong. An Englishman must blush to think that in the scene depicted, the ruthless Maori chief contrasted favourably with the representative of the great New Zealand Company.

The translation of Wakefield’s intemperance by a man acquainted only with the coarse jargon used by rough whalers in intercourse with the Maoris, added, if possible, to Wakefield’s degradation.

Detained by calms at Kapiti, he observed that the Christian Maoris (Matahau’s disciples) would only fight in self-defence. On the 16th November, “not to be entirely idle,” he negotiated with three Wanganui chiefs, who had come to assist the Ngatiawa in the war, “the purchase of all their district from Manawatu

<sup>1</sup> ‘Forty Years in New Zealand’ (p. 77). Rev. James Buller. London, 1878.

<sup>2</sup> ‘Adventures in New Zealand’ (p. 143). E. J. Wakefield. London, 1845.



to Patea." He procured three signatures in acknowledgment of gifts, and a chief, "supposed to be the most influential man in the tribe, was deputed to accompany him and to receive the remainder of the payment amongst their people."

As ignorant of the tribes who dwelt in the new district as he was incapable of foreseeing the terror which would in future years be spread amongst the settlers by Maori devastations there, he sailed on the 18th November, and after vainly striving to enter the Wanganui river to examine his possessions, he passed on to Taranaki on the 27th. He had with him one John Dorset, and Barrett.

The Maoris at Taranaki were few in number, but the refugees at the Sugar-loaf Islands, "with occasional assistance from their southern neighbours," still held their ground, and "declared their determination to die on the land of their grandsires." By means of the acts of Wakefield and others many of them kept their resolution. They were killed upon it after the rape of the Waitara.

Finding it "impossible to collect the chiefs whose consent was requisite for the transfer of the land from Manawatu to Mokau under at least a week," the impatient Wakefield left Barrett to "secure this fine territory." Barrett, he said, was "perhaps the only man who could negotiate the bargain." Wakefield sent, in his Journal, a table of the population residing between Manawatu and Patea, computing it at less than two thousand four hundred—an estimate so absurdly below the truth that Barrett's incompetence is sufficiently proved by it. With amusing presumption Wakefield wrote: "Barrett landed with his wife and children with instructions to assemble the numerous chiefs resident on a coast line of one hundred and fifty miles in a month's time, when I am to return to make the payment for the different districts, and receive the written assent of the chiefs to the sale."

Amongst the chiefs so summarily to be dealt with were they whose habitations had been wantonly destroyed five years previously by H.M.S. 'Alligator.' They had not forgotten the brutality perpetrated upon the chief, whose head (sacred in their eyes) was kicked about by English soldiers on the beach. But Wakefield cared for none of these things.

He sailed to Hokianga to look after the relics of title of Lord Durham's defunct expedition of 1826. There he bargained for Herd's Point (named by and after the leader of that expedition), and for land at Motukaraka. The company had bought land at Kaipara from one Lieut. McDonnell, and Wakefield carried with him McDonnell's letter announcing to the chiefs that he had sold his interests to the company.

He found at Hokianga a Maori woman, whom he described as Mrs. Blenkinsopp, widow of the master of a coasting vessel. From her he bought her rights to "the Wairau and other property in Cloudy Bay." She handed him deeds purporting to be conveyances, but it was subsequently ascertained that they were copies of originals held as security in Sydney, and that Blenkinsopp's rights at Cloudy Bay consisted of a right, on the delivery of a six-pounder gun, to obtain wood and water.

Wakefield found Baron De Thierry at Hokianga "in dispute with all the proprietors in the district," and talking of obtaining a French man-of-war to aid him in ejecting them. De Thierry's narrative differs somewhat from that of Wakefield. Both prove that if Wakefield had been honest or just, he would have seen that his own purchases were pretentious and unsound.

The Baron, in his 'Autobiography,' thus describes the dialogue: He had in March, 1839, issued a proclamation—"Given at Mount Isabel"—to regulate land sales within his territory. He says that Wakefield proposed to unite the Baron's establishment to that of the New Zealand Company. The Baron explained by what dishonourable means his property was withheld from him. Wakefield sympathized, and said it was "absurd to rail at the price (thirty-six axes) given for my forty thousand acres. We got (quoth Wakefield) upwards of a million acres at the south for less than fifty pounds in trade."

The "trade" may be inferred from the following items in a schedule put forward by the company: Two hundred muskets, thirty-nine guns, eighty-one kegs of gunpowder, two casks of ball cartridge, two hundred cartouch-boxes, twenty-four bullet moulds, and fifteen hundred flints. It is fair to add that there were seventy-two hoes and a gross of Jews' harps amongst the other articles. Was it unnatural that the friends of the Maori

should look with suspicion upon such trade, and appeal to the Queen to rescue from impending woes the race which had recently given such marked proofs of the power of the Gospel to win men's souls from the lust for war, and to induce them at great personal loss to emancipate their slaves?

Before narrating the efforts of the missionaries, Dorset's transactions at Taranaki may briefly be summed up. Wakefield did not return so soon as he expected. The 'Tory' went on shore at Kaipara and required repairs. Wakefield returned to Wellington by the east coast, and Dorset concluded his transactions without further assistance.

While Barrett and Dorset negotiated for the land, Dr. Dieffenbach, the naturalist, roamed safely over it with Maori guides. In December<sup>1</sup> (he wrote) a European arrived from Kawhia, accompanied by "many natives," to dissuade the residents from selling to the company. "It was said that the missionaries were much concerned in these transactions." In January they were warned by two Ngatiawa messengers (emancipated after captivity in Waikato) that the Waikato men would not permit the residents to sell the Taranaki lands to the company. Dorset and his men took refuge on the island of Moturoa to prevent surprise.

No war-party arrived, and Dieffenbach (10th January) went to visit the Waikato people at Kawhia. On the way he met "a large party of Waikato natives, and also men, women, and children of the Ngatiawa," permitted by their masters to visit their old home. Amongst them was Barrett's mother-in-law, who loaded Dieffenbach with salutations when he spoke of her daughter. Dieffenbach was hospitably entertained by the Ngatimaniapoto at Mokau, and returned safely.

When the accident to the 'Tory' was made known, by a passing brig, to Dorset, "a liberal price was given to the natives for their land, and the good-will of the Waikato purchased by presents."

A deed of the 15th February, 1840, purported to convey all the land from the Wakatino river to the shore on the south of Mount Egmont, and comprised within a line running to the summit of the mountain and thence to the Wanganui river in

<sup>1</sup> 'Travels in New Zealand.' Dieffenbach.

the interior, and thence circuitously to the Wakatino river (near Mokau), the commencing point.

It was worthy of remark that the whole of the coast line had been included in the deed by which Wakefield pretended to buy the territory from the Ngatiawa residing in Cook's Straits. Dorset's deed was signed by all the men, women, and children upon whom Barrett could prevail. There were forty-three signatures of men and boys, and thirty-two signatures of women and girls. In such a manner the company afterwards averred that they had fairly purchased what Dr. Dieffenbach described as "the finest district in New Zealand."

Before Dorset had procured this deed, the missionary Hadfield (afterwards Bishop of Wellington) had heard (1839), at Waikanae, that it was the intention of Wiremu Kingi te Rangitake to lead back the bulk of his tribe to their ancestral lands at Taranaki; and from that time until he led them back in 1848, the chief never swerved from his purpose. It was proved in an English Court, after many years of misery and war, that the genealogy of Te Rangitake<sup>1</sup> justly gave him the position recognized by his followers.

Dr. Dieffenbach was right in believing that missionaries in New Zealand looked with no favour on such proceedings as those of Dorset.

When the New Zealand Association, under Gibbon Wakefield's guidance, scattered broadcast their pamphlets, in 1837, the Mission Society in London sent some of them to their friends in New Zealand. It has been seen that Marsden was driven to the conclusion that the assumption of authority by the Crown was necessary to stay the atrocities which European influences were creating or fomenting. Henry Williams shared his belief. In January, 1838, he wrote to the Society: "I do not hesitate to say that unless some protection be given by the British Government the country will be bought, and the people pass into a kind of slavery, or be utterly extirpated. . . . The only protection that I can propose is that the English Government should take charge of the country as the guardians of New Zealand." The local missionaries officially declared that they looked with dread upon

<sup>1</sup> New Zealand Parliamentary Papers, 1867, A. No. 23. (Pedigree of Ngatiuenuku.)

the establishment of a company which, by buying land, might set up claims of sovereignty. In June, 1838, Henry Williams wrote that natives were taking alarm at the rumours of the coming of invaders. In May, 1838, the missionary Davis wrote that "to deliver up a country which is not their own into the hands of a company of men, whose primary object is gain, is a crime I trust my countrymen will never be guilty of. If the country is to be colonized let it be done by the British Government."

The remonstrances of the society in England brought upon them in due time the wrath of Gibbon Wakefield; but they contributed to induce the Government to appoint Captain Hobson. The stratagem by which Gibbon Wakefield despatched his brother to purchase principalities before British authority could interfere with him seemed, nevertheless, to have succeeded.

The 'Tory' had not arrived at her destination when the Bishop of Australia (Dr. Broughton) in H.M.S. 'Pelorus,' visited the Bay of Islands, accompanied by Octavius Hadfield, a deacon, who volunteered to go to Cook's Strait's as missionary, and being admitted to priest's orders by the Bishop, sailed with Henry Williams to introduce him as the missionary supplied in compliance with the application of Rauparaha. When the missionaries reached Port Nicholson (7th November, 1839), they found that Colonel Wakefield had been before them, and already there had been a battle about land.

An old pupil at Paihia, Reihana, had, at Port Nicholson, striven to follow the example of Matahau at Otaki, and Christian services had been commenced. Reihana had opposed Colonel Wakefield's transactions, but in vain. From Reihana, from Neti (who had left Col. Wakefield), and from others, Williams and Hadfield learned the proceedings of the company. They travelled overland, visited Rangihæata on his island, "Mana;" and on the 19th November, only one day after Wakefield had sailed northwards in the 'Tory,' they crossed from Waikanae to visit Rauparaha, who declared his gratitude at the prospect of Hadfield's residence with the people. He promised to "tread down anger," so that there might be no more fighting.

Williams heard that the battle in October, which Wakefield spoke of as a native quarrel, was brought about by Wakefield's

doings. On the 22nd he wrote in his Diary: "We went over the ground on which the late battle was fought, owing to the payment for Port Nicholson (by Colonel Wakefield) not being generally distributed. . . . Of the aggressors (Ngatiraukawa) seventy fell; of their opponents (Ngatiawa, Te Rangitake's people) twenty. The Ngatiawa buried their enemies with military honours, with their garments, muskets, ammunition, &c., not reserving to themselves anything which had belonged to them. This is a new feeling, arisen from the great change which the introduction of the Gospel (mainly by the lad Matahau) has effected among them."

More successful than Wakefield had expected, Williams after many days succeeded in making peace.<sup>1</sup> Matahau, already married to the daughter of a Ngatiawa chief, was selected by the tribe to ratify it; and on the following day (Sunday, 1st December) twelve hundred Maoris assembled at Divine Service. Matahau himself, three days afterwards, was baptized as Joseph.

It was arranged that Hadfield should reside alternately with Rauparaha's people and at Waikanae, the abode of Te Rangitake.

Leaving Hadfield with his new friends, Williams journeyed homewards by land. At Rangitiki he met a war-party on the way to join the combatants at Otaki. After some days the leader, Wiremu Neira, consented to lead them home again, although the turbulent Ngatiruanui amongst them were bent on war.

When peace seemed thus for a time assured, the chiefs of the west declared their alarm lest Wakefield's proceedings should devour their land. Williams devised the strange expedient

<sup>1</sup> The Ngatiraukawa, who were worsted in the battle, confessed their shame at having departed from the usual Maori magnanimity in attacking the Ngatiawa without fair warning. This was, they said, more painful than defeat. I learned this fact in conversation with Bishop Hadfield. The fact that the Ngatiawa buried their slain enemies, does not depend only on the testimony of Henry Williams. Mr. C. Heaphy, draftsman, accompanied Wakefield to Waikanae. When the company's agents entered the pah three hours after the battle the "tangi" was going on within it, and "a party of men were still out amongst the sandhills, burying the dead of the enemy, or bringing in the corpse of a friend." (New Zealand Institute, 'Transactions,' 1879, vol. xii.) Notes by Major Charles Heaphy, V. C.

of receiving from them a conveyance of a large block of their own land from Rangitiki to Patea, to be held in trust for their benefit.<sup>1</sup>

He also bought, on his own responsibility, about fifty acres at Port Nicholson for the Church Missionary Society, from Reihana, who was about to proceed to Taranaki, the birth-place of his wife. Both purchases offended Colonel Wakefield, and it is not improbable that amongst the vendors to him there were some who had rights in common in both.

The purchase at Port Nicholson will be alluded to hereafter.

On the 18th January, Williams had returned to the Bay of Islands, and on the 29th the arrival of Hobson as Lieutenant-Governor afforded him an opportunity to render important service to the Crown and protect at the same time the interests of the natives.

A description by a casual traveller illustrates the state of the land and the hospitality of the Maori. Mr. J. C. Bidwell arrived at the Bay of Islands in February, 1839. A botanist and general lover of nature, he resolved to explore. He went to Tauranga, and saw at the solitary mountain which guards the harbour the remains of the cannibal feast at which the men of Tauranga were devoured by the Arawa many years before. Mr. Stack, the missionary, was kind, and supplied guides. Bidwell journeyed through the picturesque forest which intervenes between Rotorua and Tauranga, by a Maori track which crossed the Mangarewa Gorge, where in after years a road was made by the natives to enable the Queen's son, Prince Alfred, to visit the lake scenery.

Hospitably received by Mr. Chapman, the missionary on the classic island in Lake Rotorua, he sped onwards to Lake Taupo, described to him by Chapman. Tongariro was an invitation and a challenge to his skill.

When he reached the cone of the burning mountain, sacred in the eyes of natives as "tapu" to their ancestry, he ascended alone.

Two days afterwards, Te Heu Heu, "a complete giant, a

<sup>1</sup> Writing to his wife (6th December) Williams said: "I have secured a piece of land, I trust, from the paws of the New Zealand Company, for the natives."



remarkably fine man, upwards of six feet high and very strongly built," rated Bidwell for approaching the holy spot, but was pacified by an assurance that the crime was witless, and enjoined the offender not to tell other Pakehas of the ascent.

Returning safely to Tauranga, Bidwell went thence to Matamata the Ngatihaua stronghold, where to procure fire-arms the old warrior Te Waharoa (father of the king-maker) had largely cultivated flax. Both there and at Tauranga, flax culture was abandoned because "pigs supplied the wants of the natives with infinitely less trouble to themselves."

The women at Matamata were "almost all strikingly handsome." The demon of war was raging, though the old leader was sick unto death and died soon afterwards. Bidwell saw a Taua, or war-party, on its march. "About 3000 nearly naked savages, made as hideous as possible by paint . . . in close ranks . . . performed a sort of recitative of what they would do with their enemies if they could lay hold of them. . . . They stood in four close lines, one behind the other, with a solitary leader (as it appeared) in front at the right end of the line. This leader was a woman, who excelled in the art of making hideous faces. . . . They stamped in excellent time. Their arms and hands were twisted into all possible positions to keep time with the recitative; their eyes all moved in the most correct time it is possible to conceive, and some of the performers possessed the power of turning them so far downwards that only the whites were visible. This was particularly the case with the woman I have spoken of as the leader. She was a remarkably handsome woman when her features were in their natural state, but when performing she became more hideous than any person who has not seen savages can possibly imagine. She was really very much like some of the most forbidding of the Hindoo idols—the resemblance to a statue being rendered more perfect by the pupil-less eyes, the most disagreeable part of sculpture. . . . They would repeat a number of words in a short staccato manner, and then dwell on one with a general hiss which would make one's blood run cold. At other times the sound would be still more horrid, but one that it is impossible to describe: it was not, to my idea, a yell, but something far more dreadful. One of their hisses, however, reminded me of the sound of returning



ramrods when well performed by a large body of soldiers. I can only describe the manner in which the words were repeated by supposing they were according to the time of a piece of music, but all in one note; for the different hisses, groans, audible shudders, &c., could hardly be represented by any kind of musical interval. The whole performance was so perfectly horrid that although I am possessed of strong nerves, I could not repress a shudder, and my hair almost stood on end."

Such were the sights to be seen in the land to which Colonel Wakefield had carried his cargo of murderous weapons, and in which the English Government was at last stirred to redeem itself from the shame which other English law-breakers, anticipating Wakefield, had reflected upon their mother-country.

## CHAPTER V.

## SIR GEORGE GIPPS.

WHEN Gibbon Wakefield clandestinely despatched the 'Tory' in May, 1839, he quickened the movements of the Colonial Secretary, the Marquis of Normanby, who informed the Lords of the Treasury, in June, that "circumstances had transpired which have further tended to force upon Her Majesty's Government the adoption of measures for the providing for the government of the Queen's subjects resident in or resorting to New Zealand. With that view it is proposed that certain parts of the islands should be added to the colony of New South Wales as a dependency of that Government, and Captain Hobson, R.N., who has been selected to proceed as British Consul will also be appointed Lieutenant-Governor."

On the 15th June, the boundaries of New South Wales were accordingly extended under the great seal; and on the 13th July, Hobson was made Lieutenant-Governor of "any territory which is or may be acquired in sovereignty by Her Majesty" in New Zealand.

With instructions (from Lord Normanby) Hobson sailed from England in H.M.S. 'Druid,' three months after Colonel Wakefield's departure. When he arrived in Sydney, Wakefield's proceedings were known, and if the clear judgment of Governor Gipps had not been available to guide him Hobson might have been sorely distressed. But Gipps would not have shrunk from contest with Gibbon Wakefield, and that astute contriver had sent creatures inferior to himself to carry out his designs.

Before Hobson left Sydney, he took, 14th January, 1840, the usual oaths of office as Lieutenant-Governor. On the 15th, Gipps, who had received a commission extending his own

authority to any territory of which the "sovereignty has been or may be acquired in New Zealand," communicated a copy of his own commission to Hobson, together with Hobson's commission as Lieutenant-Governor. He also gave stringent instructions to Hobson. As to the extent of land to be acquired the Marquis of Normanby had given commands, and Gipps would "take the earliest possible measures for carrying them into effect."

With details as to Treasury regulations and estimates, these pages need not be encumbered further than by noting that Gipps gave specific instructions. Hobson could not pardon criminals, but might stay execution of legal sentence, and could only recommend to Gipps persons to be appointed magistrates.

But the rod with which the New Zealand Company and all other traffickers in Maori land were to be controlled, was shown by a Proclamation—(framed in conformity with Lord Normanby's instructions, and forthwith published both in Sydney and at the Bay of Islands)—that the Queen did not think it "expedient to recognize as valid any titles to land in New Zealand which are not derived from or confirmed by Her Majesty."

Hobson's own proclamation was prepared for him under the careful eye of Gipps. Quoting and reiterating the Queen's pleasure in the matter, and averring that the "rights and interests of the natives" were part of her care, he added that to dispel apprehension that there was a desire to dispossess "owners of land acquired on equitable conditions," he proclaimed that a Commission would be appointed under powers "derived from the Governor and Legislative Council of New South Wales to inquire into and report on all claims to such lands." All purchases made after publication of the Proclamation would be "considered as absolutely null and void, and will not be confirmed or in any way recognized by her Majesty."

Hobson sailed from Sydney on the 19th January, in H.M.S. 'Herald,' and arrived at Kororarika on the 29th. His Commission and Proclamation were published on the 13th January, 1840. Thus all British rovers were brought into subjection; and the first ship despatched by the New Zealand Company with immigrants to Port Nicholson, the 'Aurora,' arrived on the 22nd January, and landed them to find that not the company but the

British Government would control them. There still remained a foreign element to deal with.

Gipps, aware that there were designs to form a French settlement, warned Hobson (25th January, 1840) that, as the Colonial Secretary's instructions were entirely silent on the subject, the inference to be drawn was that until territory could be "acquired in sovereignty by the Queen," Hobson could not be brought into contact with foreigners, but that after such acquisition foreigners would stand towards the Government in "the same relation as they do in any other colonial possession of the Crown." Hobson was to abstain from agitating the question in any manner; and as to fishing and resort to harbours by foreigners, to take no step until Her Majesty's pleasure might be signified.

Hobson's arrival extinguished Busby's position as British Resident; but Busby gave loyal assistance to the new-comer. The missionaries also heartily welcomed the representative of that power to which alone they looked to save their disciples from the evils of a lawless occupation of the country.

The English inhabitants presented an address to Hobson on the 3rd February. Lord Normanby's instructions contained full directions as to the treaty to be made. Hobson invited the chiefs, by notices printed in Maori, to a meeting in order to consider a draft treaty; which, when he had prepared an English copy, he called upon Henry Williams (4th February) to translate. He informed Williams that he was authorized by the Secretary of State to appeal to him, and the Bishop of Australia by letter to Williams had strongly urged upon the missionaries as a body, to exercise their influence to induce the chiefs "to make the desired surrender of sovereignty to her Majesty."

On the 30th January, certain Europeans essayed to poison the minds of the Maoris by taunting them as slaves because Hobson had arrived to establish the rule of the Queen.

On the 5th February, a dramatic scene was enacted in Maori land. Not now Ruatara, but Captain Nias of H.M.S. 'Herald,' was master of the ceremonies. Tents decorated with flags were arranged round an area containing a platform at Waitangi, on the north shore of the Bay of Islands. At twelve o'clock (after receiving Europeans at Busby's house) Hobson, supported by Nias and his officers, and "followed by all the principal European

inhabitants in procession," took his seat on the platform. The chiefs were seated around it, and the Europeans were behind them. Henry Williams was ready with the treaty in Maori, carefully examined beforehand by Busby. Hobson spoke to the chiefs, Henry Williams interpreting. "I explained (Hobson wrote to Gipps), and I assured them in the most fervent manner that they might implicitly rely on the good faith of Her Majesty's Government in the transaction."

Williams read and explained the treaty clause by clause. It guaranteed to chiefs, tribes, and "to the respective individuals and families thereof, the full, exclusive, and undisturbed possession of their lands, and estates, forests, fisheries, and other properties which they may collectively or individually possess, so long as it is their wish and desire to retain the same."<sup>1</sup>

Williams said that the missionaries fully approved of the treaty, and that it was an act of love towards the Maoris on the part of the Queen, who desired to secure to them their property, rights, and privileges.

The chiefs were invited to speak. Twenty or thirty spoke, "five or six of whom opposed me (Hobson) with great violence. . . . At this crisis the Hokianga chiefs under Nene and Patuone made their appearance, and nothing could have been more seasonable. It was evident that some underhand influence had been at work. The chiefs Revewah and Jakahra, who are followers of the Roman Catholic bishop, were the principal opposers, and the arguments were such as convinced me they had been prompted." Revewah said (pointing to Hobson): "Send the man away. Do not sign the paper: if you do you will be reduced to slavery and be compelled to break stones for the roads. Your land will be taken from you, and your dignity as chiefs will be destroyed."

At the first pause, the great Ngapuhi leader, Waka Nene, "came forward and spoke with a natural eloquence that surprised all the Europeans, and evidently turned aside the temporary

<sup>1</sup> "Ki nga Rangatira, ki nga hapu, ki nga tangata katoa o Nu Tirani, te tino Rangatiratanga o o ratou whenua, o ratou kainga me o ratou taonga katoa." When casuists afterwards strove to qualify the terms accorded to the Maoris, the words "tino rangatiratanga" foiled them. "Tino" is an intense expression of fulness, comprehension, and precision, and "rangatiratanga" included all rights of chieftainship.

feeling which had been created." He appealed to his countrymen to place confidence in the English; and then he, too, turned to Hobson, and said: "You must be our father. You must not allow us to become slaves. You must preserve our customs and never permit our lands to be wrested from us." Other chiefs supported Nene, and one of them having reproached a noisy chief for rudeness to Hobson, the offender, Kitigi, "sprang forward and shook me violently by the hand, and I received the salute apparently with equal ardour." Applause from natives and Europeans ensued, and the assembly broke up, leaving the question to be decided after one clear day for reflection.

It was not unnatural for the French bishop to contend against recognition of British sovereignty in a land where many Frenchmen desired to hoist their own flag. But Pompallier, a recent visitor, could not cope with the influence of Williams, who had laboured without ceasing for nearly eighteen years, and spoke to old friends. Neither could the authority of Revewah vie with that of Nene, great of yore in the field of battle, and always sage in council.

The real difficulty was a certain amount of misgiving—whether the good faith of the English in treaties could be trusted. The character of the missionaries overcame that difficulty. On the 6th February, the chiefs told Williams they had made up their minds to accept the treaty, and would sign it without further delay, and return to their homes. Hobson accordingly landed. Pompallier asked him if he would announce that Roman Catholic converts would be protected; and Williams, at Hobson's desire, read a statement that all Maoris, those of the Mission, and the Wesleyans, and the Roman Catholics, and those retaining their Maori practices, would be protected. Forty-six leading chiefs<sup>1</sup> signed it (Hobson wrote) "in presence of at least five hundred of inferior degree." Thus, and on such terms, was the sovereignty of the Queen declared.

"Her Majesty Victoria, Queen of the United Kingdom of Great Britain and Ireland, regarding with her Royal favour the native chiefs and tribes of New Zealand, and anxious to protect their

<sup>1</sup> Waka Nene wrote his own name. Some chiefs made a Maori mark such as was used in tattooing. Others made a mark such as is used by Englishmen unable to write.

just rights and property, and to secure to them the enjoyment of peace and good order, has deemed it necessary (in consequence of the great number of Her Majesty's subjects who have already settled in New Zealand, and the rapid extension of emigration both from Europe and Australia which is still in progress) to constitute and appoint a functionary properly authorized to treat with the aborigines of New Zealand for the recognition of Her Majesty's sovereign authority over the whole or any part of those islands. Her Majesty therefore being desirous to establish a settled form of civil government, with a view to avert the evil consequences which must result from the absence of the necessary laws and institutions, alike to the native population and to her subjects, has been graciously pleased to empower and to authorize me, William Hobson, a Captain in Her Majesty's Navy, Consul and Lieutenant-Governor over such parts of New Zealand as may be, or hereafter shall be, ceded to Her Majesty, to invite the confederated and independent chiefs of New Zealand to concur in the following articles and conditions:—

“1. The chiefs of the confederation of the united tribes of New Zealand, and the separate and independent chiefs who have not become members of the confederation, cede to Her Majesty the Queen of England, absolutely and without reservation, all the rights and powers of sovereignty which the said confederation or independent chiefs respectively exercise or possess, or may be supposed to exercise or possess, over their respective territories, as the sole sovereigns thereof.

“2. Her Majesty the Queen of England confirms and guarantees to the chiefs and tribes of New Zealand, and to the respective families and individuals thereof, the full, exclusive, and undisturbed possession of their lands and estates, forests, fisheries, and other properties which they may collectively or individually possess, so long as it is their wish and desire to retain the same in their possession: But the chiefs of the united tribes and the individual chiefs yield to Her Majesty the exclusive right of pre-emption over such lands as the proprietors thereof may be disposed to alienate, at such prices as may be agreed upon between the respective proprietors and persons appointed by Her Majesty to treat with them in that behalf.

“3. In consideration thereof, Her Majesty the Queen of

England extends to the natives of New Zealand her Royal protection, and imparts to them all the rights and privileges of British subjects."

This short treaty was duly signed by Hobson, and by the assembled chiefs, and attested as "Done at Waitangi this 6th day of February, in the year of our Lord, 1840;" with the following addition:—"Now, therefore, we, the chiefs of the confederation of the united tribes of New Zealand, being assembled in congress at Victoria in Waitangi, and we, the separate and independent chiefs of New Zealand, claiming authority over the tribes and territories which are specified after our respective names, having been made fully to understand the provisions of the foregoing treaty, accept and enter into the same in the full spirit and meaning thereof, in witness of which we have attached our signatures or marks at the places and the dates respectively specified."

Of the forty-six who signed the treaty at first, twenty-six had signed the declaration of independence in 1835. In both cases they had been stirred by desire to keep the French from their land and to obtain English protection. In both they had the sympathy of their English resident friends.

Hobson abstained from making presents till the treaty was signed, and then "distributed a few articles of trifling value."

A fac-simile of the treaty and signatures was published by the New Zealand Government in 1877. The names of the signers are set forth in the Proceedings of the New Zealand Legislative Council of 1869, with those obtained subsequently. On the 13th, at Hokianga, thirty-four signed, although Pakeha Maoris (including Mr. Maning) endeavoured to dissuade them. The Wesleyan missionaries cordially assisted Hobson, and interpreted his "solemn assurance that truth and justice would always characterize" the Government. On the 1st March, Hobson was struck by paralysis. The task of obtaining signatures was subsequently delegated to Lieut. Shortland, to Captain Nias, H.M.S. 'Herald,' Major Bunbury, and the Revs. H. Williams, W. Williams, and R. Maunsell.

On the 4th March, at Waitemata, on the 28th April, at Kaitaia, where the great chief Nopera was friendly, and at various dates extending to June, 1840, signatures were obtained



from chiefs of the Thames River, of Kororarika, of Coromandel, Akaroa, Otago, Cloudy Bay, Kapiti (where Rauparaha and Rangihaeata signed), Hawke Bay, Manukau, Kawhia, Waikato Heads, Opotiki, Whakatane, Rangitoto, Wellington, Waikanae, Wanganui, Tauranga, and Turanga. Many hundreds of signatures were obtained and witnessed by officers of the army and navy, by merchants, clerks, and by missionaries. From Kapiti to Wanganui the signatures were witnessed by the Rev. Octavius Hadfield. At Turanga the name of the future Bishop of Waiapu, W. Williams, appeared.

Colonel Wakefield, already jealous of Mr. Williams on account of the visit paid by Hadfield and Williams in 1839 to Port Nicholson, at first resented the introduction of the treaty at the settlement which he had founded, and hoped to govern without interference. Mr. Williams wrote: "Colonel Wakefield, the first time I met him was very insolent, but afterwards retracted what he had said, and withdrew his objection to the treaty being signed. It was accordingly signed by the chiefs, about twenty." Captain Hobson specially authorized H. Williams "to treat with the principal native chiefs in the southern part of these islands for their adherence to the treaty executed at Waitangi on the 6th February, 1840. I have the honour to enclose a copy of the treaty which I have signed, and to request that you will obtain the signatures thereto of such high chiefs as may be willing to accede to its conditions." When, at a later date, Hobson felt justified in proclaiming the Queen's authority over the islands, he sent a formal acknowledgment to the Secretary of the Church Mission Local Committee for "the very zealous and effective assistance" rendered to him in his proceedings. He afterwards declared to the Legislative Council (1841) that but for the aid of the missionaries "a British colony would not at this moment be established in New Zealand." Henry Williams had but to raise his finger, and his "mana" would have weighed more with the Maoris than the devices of Colonel Wakefield or the office of Hobson. Busby also received Hobson's warm thanks for his exertions in obtaining the "ready adherence" of the chiefs to the treaty. Sir George Gipps promptly congratulated Hobson on the success of his negotiations. In March, 1840, he sent him a

military force, consisting of a field officer, a captain, two subalterns, four serjeants, and eighty rank and file. He sent him two police magistrates, one of whom, having officiated as Clerk of Petty Sessions, was recommended as conversant with criminal law. Hobson had dispensed with the presence of Captain Nias of the 'Herald,' on account of personal differences; but Gipps sent him back because naval co-operation was "essential in the enterprise" at New Zealand, and the Queen's sovereignty was "established only over a small portion of the Northern Island."

Hobson, infirm in health, on the 1st March, 1840, sustained a shock of paralysis while visiting, in the 'Herald,' the Waitemata and Tamaki (represented to him by Henry Williams as fitter for the seat of government than any part of the Bay of Islands, and eventually selected by Hobson as the seat of government at Auckland).

The energetic Gipps, always unsparing of himself, condoled with Hobson, but hoped that "negotiations with the chiefs would not be interrupted" by the illness. "The necessity for an immediate visit to Port Nicholson and the northern parts of the Central Island appears to me most urgent" (2nd April).

On 3rd April he wrote: "Whatever advantages the settlers at Port Nicholson may have gained by being left so long undisturbed in their negotiations with the chiefs for the purchase of land will, I hope, be overcome by the necessity which, sooner or later, they will be under of submitting to such terms as the Government may dictate, but in respect to the extension of the Queen's authority over the Central Island, prompt measures appear to me very urgently required, and indeed (though I leave this point entirely to your own decision) I am disposed to think that the assertion of the Queen's sovereignty by virtue of the right of discovery would perhaps be the most advisable course of proceeding which could be adopted." He regretted that he had sought in vain for a qualified Colonial Secretary for New Zealand. As to legal advice, he grimly said: "I am informed by the Attorney-General that —— (one of the magistrates previously spoken of) has a very competent knowledge of the law, and though he cannot stand to you in the position of a responsible adviser, I am much disposed to doubt whether a

functionary of that description would not be more likely to embarrass than to aid you." Unconscious of the master-gaze of Gipps, and his sufficiency of ability and will to control the settlers, Colonel Wakefield meanwhile was not content with making worthless negotiations with Maoris. He endeavoured to set up an independent polity, although he knew that Hobson's commission extended to Port Nicholson. On the 1st May, 1839, the company<sup>1</sup> had solemnly assured Lord Normanby that it "does not, nor has even imagined the possibility of establishing a system of government in New Zealand either independently of the British Crown or in any other way." Colonel Wakefield acted as if no such assurance had been given. The first settlement, which he called Britannia, he had made at Petone at the entrance of the valley of the Hutt.

The gifts and the authority of E Puni gave him undisturbed possession there. But the place was found unsuitable. The surf made it difficult to land. In March, 1840, it was resolved to transfer the settlement to Te Aro, where stood a native pah, and where the natives protested against intrusion. To disparage them Colonel Wakefield called them slaves, and their pah a slave-pah. He was equally overbearing towards Wesleyan missionaries. Their committee complained (June, 1840) in London that he had taken possession of the site previously selected by their missionaries at Port Nicholson.

The company, grateful to the Duke of Wellington for his support of Gibbon Wakefield's colonizing views when South Australia was founded, called the new settlement 'Wellington.'

Whether the natives would have resented the intrusion with violence if they had considered Colonel Wakefield the sole representative of the English cannot be told. Henry Williams, when procuring signatures to the treaty of Waitangi, assured them the Governor would send persons to examine their titles and do justice. With this they were pacified. Wakefield had under pretext of the assent of chiefs, formed a provisional government of which he was president, and when he opposed the signing of the treaty, Williams reported officially to Hobson, that owing to the opposition of the company's people, he could not for ten days procure signatures to the treaty, but that it was

<sup>1</sup> Mr. Hutt to Mr. Labouchere.

then "signed unanimously." Maugre the assurance given to Lord Normanby, the provisional government at Wellington emulated the insolence of its chief. On the 14th April, 1840, under a presumptuous warrant, one Pearson, master of a trading brig, was brought before a self-styled district magistrate, on a charge of illegal conduct towards his charterer, a resident in Van Diemen's Land. Refusing to recognize the court, Pearson was committed, and was rescued by his friends. An escape-warrant was issued. The company had a newspaper at Wellington. It declared: "We are well pleased that the first person subjected to an assertion of law is of sufficient standing and intelligence to raise the question of our right to act under the sovereign power of the district. Captain Pearson will find that the constituted authorities of Port Nicholson have power to compel obedience." . . . (We have not attempted to obtain the sovereignty) "but acting under the various proclamations issued in relation to these islands, have accepted a constitution from the sovereign chiefs, placing a limit to their despotic power." In promulgating these absurdities the company was abetted by men who were called lawyers. Pearson was astute enough to know that the idol set up by the company was but thinly-veiled lynch-law, and fled to Hobson, who had recently been enjoined to take "prompt measures" to proclaim the Queen's authority. Prevented by ill-health from going southwards himself, Hobson had sent Major Thomas Bunbury, 80th Regiment, in H.M.S. 'Herald,' "to carry out the unexecuted instructions of Government" as to the Queen's sovereignty, and to obtain signatures to the treaty of Waitangi. Bunbury was to assemble chiefs, to explain the treaty, and to offer a "solemn pledge that the most perfect good faith would be kept by Her Majesty's Government, that their property, their rights and privileges, should be most fully preserved." He was to urge especially, that it was the interest of the chiefs to subscribe, because "of the dangers to which they may be exposed by the residence amongst them of settlers amenable to no laws or tribunals of their own, and the impossibility of Her Majesty's extending to them any effectual protection unless the Queen be acknowledged as the sovereign of their country."

Bunbury obeyed, and after chiefs had signed the treaty on

the 17th June, 1840, under a salute of twenty-one guns from the 'Herald,' the English flag was hoisted at a pah at Cloudy Bay, and possession of the Middle Island, on the ground of "having been ceded in sovereignty," was taken and "formally proclaimed."<sup>1</sup> Stewart's Island was taken possession of on the 5th of June, "by right of discovery," because Bunbury did not there "meet with natives."

While feverishly waiting for the reports of Bunbury, and of the brothers Williams, Hobson was consoled by the success of Shortland, his Colonial Secretary, at Kaitaia, where many chiefs signed the treaty in April, under the advice of Nopera Panakareao, a great Rarawa chief, whom Hobson described as a "superior person, full of intelligence, of a most independent and liberal spirit, and possessing unbounded influence in the district."

Nopera said: "Hearken, all of you, Pakeha and Maori. My desire is that we should be all of one heart. Speak your words openly. Speak as you mean to act. Do not say one thing and mean another. I am at your head. I wish you all to accept the Governor. We are saved by this . . . What wrong has the Governor done? The shadow of the land goes to the Queen, but the substance remains with us. We will go to the Governor and obtain payment for our lands as before . . . Do not, like the chiefs at Hokianga, wish to kill the Governor. Live peaceably with the Pakeha. We have now a helmsman. Formerly one said, 'Let me steer,' and we never went straight. . . . What man of sense would believe that the Governor would take our possessions and only pay to us half their value? If you have anything else to say, say it; but if not, finish, and let all of you say 'yes, yes.'"

There was some ground for the reference to men at Hokianga. Hobson, in the same despatch<sup>2</sup> which reported Panakareao's kindly aid, declared that rumours of a conspiracy against the

<sup>1</sup> Bunbury's proceedings were "attested" by sixteen persons belonging to the 'Herald,' and by one belonging to H.M.S. 'Beagle.' Their signatures were "witnessed" by Joseph Nias, Captain H.M.S. 'Herald'; Thomas Bunbury, Major 80th Regiment, "charged with a diplomatic mission;" and Edward Marsh Williams, interpreter. Some persons having (perhaps in ignorance) asserted that the treaty of Waitangi could not apply to the Middle Island, I have thought it right to record the truth.

<sup>2</sup> Hobson to Gipps, 5th May, 1840.

Government were "not without foundation. I know the principal persons implicated, and I will have them closely watched. If there is really any truth in the matter it may be ascribed to the mischievous stories that have been circulated by low abandoned Europeans, who try to persuade the natives that we only wait until we are strong enough to take possession of all the land and sell it irrespective of native claims. I have issued circulars to the chiefs, and have taken other measures which I trust will disabuse their minds."

When it is borne in mind that there was a considerable population of low Europeans both at Hokianga and at Kororarika, the significance of Nopera's words and the critical position of Hobson will be understood. Nevertheless, though stricken with sore disease, and endowed with little ability, a resolution to do his duty and the moral strength of the strong-minded Gipps supported him. He had heard of the signing of the treaty at Wellington and other portions of the Northern Island, and waited only for Bunbury's report to assert the Queen's general sovereignty. But Gipps had authorized a Proclamation of Sovereignty over the Middle Island, on the plea of discovery, if necessary. Within an hour of hearing of President Wakefield, his council and his magistrates, Hobson proclaimed, on the 21st May, 1840, the Queen's sovereignty over the Northern Island on the ground of cession by "the chiefs of the confederation of the united tribes, and the separate and independent chiefs." By a separate Proclamation on the same day he asserted the sovereign rights of the Queen over all the Islands of New Zealand, averring that he had "it in command" so to do. He explained to the Secretary of State that in thus acting he "yielded to the emergency of the case arising out of the events at Port Nicholson, and was supported by the advice of Sir George Gipps, previously given. According to my opinion, unaided by legal advice, the proceedings of the Association at Port Nicholson amount to high treason. They have usurped the power of Her Majesty in establishing a constitution, and in appointing magistrates." They had levied taxes, and "unjust as well as illegal magisterial authority" had been exercised.

Hobson would not "take immediate cognizance of those acts,"

but sent Shortland to publish the Proclamations in Wellington, "and at once to displace all persons holding office under the authority of the usurped government," and to "restore to all persons the possession of property of which they were in possession when the emigrants arrived, and from which they had been forcibly ejected by persons calling themselves magistrates." He gave Shortland a Proclamation, dated 23rd May, at Russell,<sup>1</sup> Bay of Islands. It declared the Association at Port Nicholson illegal and usurping, commanded all persons to withdraw from it, and called upon all persons there or elsewhere under his government, upon their allegiance to submit to and to aid "the proper authorities in New Zealand."

The palsied Governor was able to report that Shortland had been despatched "without one hour's delay," with thirty soldiers. Shortland arrived at Port Nicholson on the 2nd June, and sent the Proclamations on shore with a letter announcing that he would land and read them on the following day. The firmness of Sir George Gipps was by this time known and regarded. Dr. Evans, with others, averred that the company's conduct had been misrepresented; that the Council had only been formed provisionally until Hobson could act, and that the settlers were "highly delighted" at Shortland's arrival. He accepted their overtures on condition that "the Council vanished and that the flags be hauled down." His terms were acceded to; his Proclamations were read and responded to with cheers and a European salute by the Europeans, and a war-dance and volleys of musketry by large numbers of Maoris. Mr. E. J. Wakefield in his 'Adventures in New Zealand' was unable to refrain from revealing that many of the company's people acknowledged the authority of the Government with ill-grace, and sneered at Shortland. Nevertheless (1st July), they addressed Hobson with thankfulness, told him that they had heard with "surprise and indignation" the false reports circulated against them, and said

<sup>1</sup> Lord John Russell, in honour of whom the provisional capital was named, communicated (10th November) to Hobson the "entire approbation" of the Government of all these proceedings, and promised to send him a commission as first Governor of New Zealand, about to be constituted a separate Government.



that being "assured that sooner or later" Wellington must be the seat of government, they had, in planning their town, "set apart the most valuable sections of land for the convenience of the public offices and for the personal accommodation" of Hobson. Colonel Wakefield carried the address to the Bay of Islands and was graciously received and thanked for it. He had good reason for submitting to British authority. Without it he could not hope to obtain a title to the site of Wellington, and it was clear that Gipps would confer no title wrongfully.

While Shortland was on the spot there was (26th August) a disturbance between armed settlers and the Māoris. He forthwith issued a notice forbidding all persons to assemble with arms, and he entered into an agreement with the Maoris, whom he described as unarmed and well-behaved, and who assigned their interests to the Crown to be afterwards dealt with. He warned Wakefield that he would permit no person to take possession until the case had been investigated. Wakefield accepted his intervention thankfully. Shortland reported that the Te Aro natives stoutly maintained that they had not sold their land, and that when he asked E Puni whether he had professed to sell it in September, 1839, the chief replied, "Yes: how could I help it when so many muskets and blankets were put before me?"

On the whole it was becoming oppressively plain that Wakefield's vaunted deeds of conveyance were almost worthless, and that while Sir George Gipps exercised authority it would be difficult to impose upon them a value to which they were not entitled. Hobson transmitted to England a report from Shortland that the chiefs "did not recognize the titles" set up at their head-quarters by the company.

Confident in the potency of Lord Durham and the great names of the directors of the company, Colonel Wakefield applied to England, where it was hoped that the political exigencies of a tottering Ministry might make Lord John Russell more pliable than the man greater than he who ruled in Sydney. One method resorted to was to vituperate Hobson. Having inspected Waitemata in February, 1840, and obtained reports as to its position; its means of communication with the sea, eastward and westward respectively, through the



Manukau harbour, and the Hauraki Gulf; its soil, and other advantages; Hobson made arrangements to buy a site for his capital. The church missionaries consented to forego their claims to the services of one of their body, Mr. George Clarke (catechist), in order that he might act as Chief Protector of the Aborigines;<sup>1</sup> and he was deputed to purchase the land required. In September, 1840, the British flag was hoisted at the new settlement, which Hobson called Auckland. He had already purchased 30,000 acres there, and was in treaty for more. He removed the Government establishments thither early in 1841. In June, 1842, the Secretary of State announced that Her Majesty had approved Hobson's selection. The company never forgot nor forgave his failure to appreciate the claim of Wellington to be the seat of government. Hobson's statement, that the title of the company at Port Nicholson was disputed by the natives, Mr. Somes had the audacity to declare untrue. "We have not heard of a single instance, though accounts have reached us of strenuous efforts made by one of the church missionaries to cause such disputes."

It will be remembered that in December, 1839, Henry Williams attempted to lock up in trust for the natives the land from Rangitiki to Patea, after Colonel Wakefield had failed to enter the Wanganui river to secure the land for the company in his usual manner; and that he made a purchase of about fifty acres at Port Nicholson. In August, 1840, a Wanganui chief, Te Anaua, showed to E. J. Wakefield a notice of the Wanganui trust, in Williams' handwriting. Wakefield endorsed the document as an "arrant falsehood," and returned it to the chief: remarking (in his book) that he "could not see a single excuse for Williams' conduct, which must have been intended to prevent the completion of a bargain which we had commenced at Kapiti a month before his arrival." Shortly after endorsing the notice, although Hobson had long assumed the government, and Gipps' proclamations had deprived such negotiations of even the pretence of validity, young Wakefield procured goods with which to re-enact his uncle's dealings. Discontented chiefs (he said) went to the ship in canoes "and exclaimed against the smallness of their share. . . They wanted

<sup>1</sup> Hobson to Gipps, 21st April, 1840.

to return the goods to me, but I steadily refused, and told them that the bargain was concluded, and that they must now arrange the division in their own way. . . Te Anaua appeared to have been wounded, having a bandage round his head."

Such were the transactions which the company called upon the majesty of England to sanction.

Young Wakefield sent a narrative to England, and the company told Lord John Russell that they could entirely rely upon his veracity. They quoted only a part of the account; but the wildness of their claim may be seen at a glance. It included the coast from Manawatu to Patea, and extended inland to Tongariro, where in those days Te Heu Heu would speedily have quenched the company's claims if they had been asserted. The purchase made by Williams at Port Nicholson was denounced by Colonel Wakefield to the company in terms which recoiled upon his own head in the estimation of all who knew the two men. He railed at "his selfish views, his hypocrisy, and unblushing rapaciousness." William Williams had sent a petition to the Queen against purchases pretended to have been made at Hawke Bay by a private trader. The company confounded one Williams with the other in mixed abuse. The purchase at Wellington was made by Henry Williams from Reihana, who was the first missionary there, and who was about to migrate to Taranaki. Reihana had refused to join in the presumed sale to Wakefield by E Puni and Warepori. Williams bought the land for the Church Missionary Society. The local committee at the Bay of Islands declined to take it, lest it should bring them into collision with the company. It remained meanwhile free for occupation by Reihana. When H. Williams went to Wellington in April, 1840, to procure signatures to the treaty of Waitangi, at Hobson's request, and heard from Dr. Evans that reserves for the natives were a part of the company's plans, he told him that under such circumstances he did not desire to retain the land bought from Reihana. At one interview Colonel Wakefield used such coarse language that Williams declined to enter upon the subject; and, meeting Dr. Evans afterwards, was informed that he as a lawyer was retained to resist Reihana's claims on the ground that he was a slave. Williams replied that he was well

acquainted with Maori usage, and that Reihana's claim was valid. Another person was sent to ask Williams, but in vain, if he would abandon his claim on receipt of a sum of money. The hand of Gipps was at that time felt, and Wakefield thought fit to make an ample apology, and offered to make it public. Williams was content, and told Wakefield that the reserves for natives having been made, he would present the land to the company, retaining one acre for Reihana and another for himself, as an acknowledgment of title. Reihana afterwards lived upon his land. The acre kept by Williams was sold for Church purposes, and the proceeds formed part of the endowment fund of Trinity Church, Pakaraka, near the Bay of Islands. The sad truth must be told that the reserves for natives which formed the consideration for which Williams handed over to the company about fifty acres in the town of Wellington were not respected. The Government, in later times, sold them on the plea that they were not legally secured, and that having "done so much for the natives," it was reasonable that it should be reimbursed "from the lands originally set apart for reserves for the benefit of the natives." If these words were not to be found in a State document (1848), strangers to New Zealand might think they were intended for satire.

As the petition of the Rev. William Williams has been referred to, it is proper to advert to his proceedings. With his family he had taken up his abode at Poverty Bay in January, 1840. In February he petitioned the Queen to prevent the inhumanity and injustice which traders were endeavouring to inflict by pretended purchases of Maori lands. In May, 1840, having procured signatures of chiefs to the Waitangi treaty, he reported for Hobson's information further details with regard to the matter of his petition. He sent an account of "a most nefarious transaction which took place in January last, being an attempt on the part of Captain Rhodes, of the barque 'Eleanor,' from Sydney, to dupe the natives out of a tract of land extending from Port Nicholson to the north side of Ahuriri in Hawke Bay, and again from the north bank of the river Wairoa to the north of Table Cape." For one hundred and sixty miles of coast, with undefined limits in the interior, Rhodes pretended to have procured a title by distributing property valued at £160.

Williams hoped that the transaction would be set aside,<sup>1</sup> and was prepared to prove that much of the land was claimed under signatures of Maoris who had no interest in it; that those who signed the deed did not know its contents; that some of those who had signed, on learning the nature of the deed, refused to receive payment; that the so-called purchase was made on board of the 'Eleanor;' and that "the most numerous body of the proprietors were not consulted, and expressed their most decided disapprobation." The whole transaction may be taken as a specimen of the bargains by which, in emulation of the New Zealand Company, speculators and agents from Sydney grasped at the lands of the Maori. All these vicious transactions Gipps felt it his duty to check. On the 6th May, 1840, he told Hobson that he had settled the terms of a bill for regulating titles to land in New Zealand. The first clause would "declare all purchases or pretended purchases from the natives to be null and void." He narrated fully the contemplated provisions, which were, in the main, eventually comprised in the Act 4 Vict. No. 7, passed on the 4th August, 1840, in Sydney. Its preamble may best describe it:

"Whereas in various parts of the Islands of New Zealand comprehended within the limits of the territory and government of New South Wales, tracts or portions of land are claimed to be held by various individuals by virtue of purchases or pretended purchases, gifts or pretended gifts, conveyances or pretended conveyances, or other titles, mediately or immediately from the chiefs or other individuals of the aboriginal tribes inhabiting the same; and whereas no such individual or individuals can acquire a legal title to, or permanent interest in, any such tracts or portions of land by virtue of any gift, purchase, or conveyance, by or from the chiefs or other individuals of such aboriginal tribes as aforesaid, and whereas Her Majesty hath by instructions under the hand of one of her principal Secretaries of State" (14th August, 1839), "declared her pleasure

<sup>1</sup> Though W. Williams called Rhodes "the master of a trading-vessel on the coast," Mr. Somes (29th March, 1841,) accused him of denouncing Colonel Wakefield under that title. The transaction was so like one of Wakefield's that Somes' mistake was not unnatural. He did not, nevertheless, make the necessary apology when the mistake was pointed out.

not to recognize any titles to land in New Zealand which do not proceed from, or are not, or shall not be, allowed by Her Majesty; and whereas it is expedient and proper to put beyond doubt the invalidity of all titles to land within the said Islands of New Zealand, founded upon such purchases or pretended purchases, gifts or pretended gifts, conveyances or pretended conveyances, or other titles from the said uncivilized tribes or aboriginal inhabitants of New Zealand: Be it therefore declared and enacted by His Excellency the Governor of New South Wales, with the advice of the Legislative Council of the said Colony, That all titles to land in New Zealand which are not, or may not hereafter be allowed by Her Majesty, are and shall be absolutely void." By eleven other clauses the Governor was empowered to appoint Commissioners who were to be guided by the real justice and good conscience of the case; no grant was to exceed two thousand five hundred and sixty acres unless authorized by the Governor in Council; no bays, headlands, islands, &c., which might be required by the public, were to be included, nor sites for towns or villages, or sites required for public utility; and it was not to be obligatory on the Governor to make a grant even when recommended by the Commissioners.

The passage of the bill was vehemently opposed by Busby the late Resident and other claimants. Amongst them was no less a man than William Charles Wentworth, whose legal and constitutional knowledge was highly regarded; but from a contest with whom Gipps did not shrink.

Early in 1840 seven Maori chiefs were in Sydney, and they were invited to sign at Government House a declaration of their willingness to accept the Queen as their sovereign. They attended and heard the necessary document read; each of them received ten sovereigns, and they were to return to the Governor in two days to sign the declaration. They did not return. To a message sent to them, one of their English hosts replied that they had been advised to sign no treaty which did not contain full security for the possession by the purchasers of all lands acquired from the natives. It transpired that William C. Wentworth had so advised. He himself claimed one hundred thousand acres in the Northern, and twenty millions of acres in the Middle Island. The seven chiefs who had not kept their

appointment at Government House were the nominal sellers. They were to receive two hundred pounds a-year for life.

Wentworth and others prayed to be heard against the bill. Mr. Busby, the late resident, was a claimant for fifty thousand acres and for the site of a township at the Bay of Islands.

Two days were spent in hearing the petitioners at the Legislative Council. Sir George Gipps replied to their arguments, forcibly devoting himself to those of Wentworth. He cited Kent, Story, and Marshall, to show that the English doctrine of acquisition of territory by the Crown was received as law in the United States. He quoted opinions given in England in 1836 to the effect that Batman and his associates were incompetent to acquire territory, except through the Crown, at Port Phillip. He adduced the abortive attempt of the New Zealand Company to form a legal community at Port Nicholson without sanction of the Crown. He could not satisfactorily deal with the point taken by Wentworth that the English Government had recognized the sovereignty and independence of New Zealand; but when a Government changes its opinions on such a point no logical defence can be made for it. His speech is enshrined in the Parliamentary Papers of the House of Commons (1841, first session), with a congratulatory despatch upon it from Lord John Russell. Mr. Wentworth's has not been so preserved, but the heads of it are in the proceedings of the Legislative Council of New South Wales. Gipps passed his measure. Wentworth threw up his commission as a magistrate, and Gipps withdrew a recommendation he had made in 1839, that Wentworth should be offered a seat in the Legislative Council. Thenceforth there was war to the knife between the two.

The English Government meanwhile having determined to make New Zealand a separate colony, Gipps was informed that his Act would be consequently disallowed, with a view to legislation in New Zealand, and that a Commissioner would be sent from England to investigate the claims to land. Hobson re-enacted the measure, 9th June, 1841, with few changes; but the ingenuity of speculators may be read in one of them. The new preamble proscribed "leases or pretended leases, agreements, or other titles, either mediately or

immediately, from the chiefs or other individuals or individual of the aboriginal tribes." (On the 6th March, 1841, Gipps himself had urged Hobson to "declare that Her Majesty's Government will not suffer so manifest an invasion of the Act of Council as the practice of taking leases from the natives would, if recognized, establish.") All transactions "which are not or may not hereafter be allowed by Her Majesty, her heirs and successors, are and the same shall be absolutely null and void."

Lest it should be thought that the British Government failed in any manner to approve of the action of Gipps and of Hobson in making the treaty of Waitangi and in dealing with Maori lands, it will be proper to quote some State papers. Lord Normanby's instructions have been cited already. Lord John Russell wrote to Gipps (17th July, 1840): "Her Majesty's Government entirely approve of the measures which you adopted, and the manner in which they were carried into effect by Captain Hobson." When Royal instructions were sent to Hobson as Governor they declared the Queen's will that he should "especially take care" to protect the natives "in their persons, and in the free enjoyment of their possessions, and that you do by all lawful means prevent and restrain all violence and injustice which may in any manner be practised or attempted against them."

Adverting to these instructions, Lord John Russell wrote (28 Jan., 1841): "Her Majesty in the royal instructions under the sign manual has distinctly established the general principle that the territorial rights of the natives as owners of the soil must be recognized and respected." To make the assurance greater he added that lands pointed out by the Protector "as essential to the well-being of the natives should be regarded as *inalienable* even in favour of the local government."

It has been mentioned that a shoal of speculators gathered like harpies on the coast of New Zealand to emulate the career of the company. Soon after Hobson's arrival he wrote: "The passion for land-jobbing now pervades every class, and all other considerations appear to be absorbed in that one object. Tracts of country in some cases of five hundred square miles are claimed by single individuals. . . . The Proclamation issued by



your lordship's order has had the effect of stopping this traffic, but extensive mischief has been done before its promulgation. . . . I greatly fear that the conflicting claims will create a violent ferment through every class of society both native and European." He was "not yet sufficiently informed of all the intricacies of the question" of native land titles, but would "sift it" and report to the Secretary of State and impress his views on the Land Commissioners. Hobson had reason to be startled at the audacity of the claims put forward. Irrespectively of the New Zealand Company's fraudulent claims, millions of acres in the North Island were alleged to have been purchased. In the Middle Island more acres were asserted to have been bought than it contained. Setting aside Wentworth's claim, more than nineteen millions of acres were demanded. Many claimed the same land. One man, residing at Sydney, claimed the whole of Stewart Island, for an alleged payment of one hundred pounds. In some instances the claimants were content to claim without alleging any precise payment. Their reticence could hardly have arisen from shame, for one man claimed five and a half millions of acres at Akaroa for an alleged payment of sixty pounds. He also was a Sydney resident. It is almost needless to say that many claims overlapped one another. Two men of the same surname claimed several millions of acres at Bank's Peninsula, the Bluff, the Molyneux, and other points on the coast, but never appeared to support their claims before the Commissioner. Greedy as were the Maoris for the arms on which existence depended, the lust for land, bought with a few muskets and iron weapons, made the white man equally avaricious, and it was well that the vigorous hand of Governor Gipps was near to stay the plague which would have spread over the land if vicious titles had been even provisionally acknowledged, and had led to an armed combination of the tribes to resist extortion. With complicated tribal titles, over which the sovereignty or 'mana' of chiefs was exercised in a manner uncomprehended by the land-jobbers, it was as certain as any mathematical definition that the bargains asserted by the European would never be acknowledged by the Maori, but that he would die to resist them. By limiting every claim, and by appointing



Commissioners to examine, Sir George Gipps would, but for the foolish interposition of Lord John Russell, have adjusted difficulties on a reasonable basis. He saw the risk of quarrel between the two races. Bargains perverted, deeds misrepresented or misunderstood, could lead to no other result. Fire-arms tempted the eyes, large promises plied the ears of the Maori. The lust of war meanwhile was in his own mind. The teeth of the serpent were everywhere sown: the children of the soil were to wage fratricidal war, and too late to discover that their own disunion was to subject them to the yoke of the invader.

But the settlers at Port Nicholson were appalled at the prospect of a strict examination of their titles, and a reasonable limitation of their claims. Mr. E. J. Wakefield (in the book already quoted) confessed that the "panic which seized the colonists" could hardly be conceived.

Colonel Wakefield was absent when the disastrous tidings arrived. He had gone to pacify Captain Hobson, and to ask him to move the seat of government to Port Nicholson. "Various were the projects suggested by the panic-struck adventurers, each according to his disposition." Some hoped that Hobson might be made independent of Gipps. Some wished at once to return to England. Some would go to Chili. Some would remain to fight the battle. Colonel Wakefield's return reassured them. Captain Hobson had been friendly, but had declined to transfer the seat of government to Cook's Straits. At a public meeting thanks to the Lieutenant-Governor were voted; and Dr. Evans, Mr. Hanson, and Mr. Moreing were sent as a deputation to Sir George Gipps. Dr. G. S. Evans was a barrister, appointed as umpire to the settlement under the agreement which had been condemned as unlawful. If his honesty in adhering to a principle had been equal to his intelligence he might have made his mark in any colony. Mr. R. D. Hanson, a solicitor, had been sent from England as agent for the company for purchase of lands. His legal knowledge had not saved him from committing the blunder of going to the Chatham Islands and believing that he had secured them by purchase. He was engaged at Kawhia when the report of Sir George Gipps' proceedings arrested his own.

The deputation did not succeed in inducing Sir George Gipps to recognize the claims of the company. But he gratified them by acknowledging individual claims of settlers, leaving to the Government the task of examining the accounts between the settlers and the company. He reserved the rights of the natives and of purchasers from them, as against the company, for the decision of the Commissioners under the Land Claims Act. He determined that the one hundred and ten thousand acres asked by the company must be taken in one continuous block, and that private claimants should be compensated by the company or by the body of the settlers, whom he advised to apply for a charter of incorporation for municipal purposes, inasmuch as the Government (having received no funds from sale of land at the spot) would erect no buildings except for judicial and fiscal needs. The arrangement was to be subject to approval by the British Government. Any recognition seemed better than none. The panic subsided; and at a public meeting on the 15th December, 1840, the residents voted unanimous and cordial thanks to Sir George Gipps for his "justice and liberality." The settlers were content with the prospect of individual crown grants, and Colonel Wakefield thought it politic in a letter (26th February, 1841) to England to laud Sir George Gipps' decision. At the same time Colonel Wakefield and the Directory in London brought counteracting influences to bear upon the Colonial Office, and the beneficial results of the decision were to be thwarted by the interference of Lord John Russell.

There was one act for which Hobson received unqualified praise from Gipps and all colonists. One Langlois, the master of a French whaler, had, in 1838, arranged with certain chiefs for the purchase of "all Bank's Peninsula, with the exception of the Bay of Hikuraki and Oihua." The instalment to be paid at once was one hundred and fifty francs, or their value in old clothes. Langlois was to pay afterwards in guns, sabres, gunpowder, clothes, wine, a tambour, and other articles creditable to his ingenuity if useless to the Maoris. He returned in August, 1840, in the 'Comte de Paris' (whaler), with fifty-seven settlers, leaving others to follow. His wares were valued at more than £200, and then only was a formal document signed

by a few Maoris. But in January, 1840, Gipps had proclaimed the invalidity of such transactions; Hobson had asserted the Queen's sovereignty; and many Maoris at Akaroa impugned Langlois' presumed purchase. Tuhaiwaki, the principal chief, laughed it to scorn.

There was another obstacle. When Langlois reached Akaroa on the 16th August, 1840, he found the English flag flying, and a Court of Petty Sessions established—though it had nothing to do. Hobson had sent the flag under singular circumstances. Although he had, under Gipps' advice, proclaimed the Queen's sovereignty in May, 1840, he heard rumours which were rife about French occupation. The French frigate 'L'Aube' was at the Bay of Islands. Hobson met her officers with cordiality. H.M.S. 'Britomart' was in the harbour, and on the 21st July Captain Stanley<sup>1</sup> received a hasty letter from Hobson. It was "of the utmost importance that the authority of Her Majesty should be most unequivocally exercised throughout the remote parts of the colony, and particularly in the Middle and Southern Islands, where I understand foreign influence and even interference is to be apprehended. . . . There are various rumours current that Captain Lavaud, of the French corvette 'L'Aube,' now at anchor in this port, is employed in the furtherance of designs such as I have before mentioned. From some observations which fell from him I observed that it was his intention to proceed to the South Islands, being under an impression that the land at Akaroa and Bank's Peninsula is the property of a French subject. These circumstances . . . excite in my mind a strong presumption that he is charged with some mission in that quarter incompatible with the sovereign rights of Her Majesty, which . . . it will be your study by every means to frustrate. If my suspicions prove correct, the 'L'Aube' will no doubt proceed to Akaroa and Bank's Peninsula, for which place I have earnestly to request that you will depart with the utmost expedition, as it will be a point of the utmost consideration that on his arrival at that port he may find you in occupation, and that it will be out of his power to dislodge you without committing some act of hostility." If Captain Lavaud should anticipate Stanley either at Akaroa or elsewhere Stanley was

<sup>1</sup> A brother of the Dean of Westminster, Arthur Penrhyn Stanley.

to remonstrate, and "impress upon him that such a proceeding must be considered as an act of decided hostile invasion."

Hobson gave Stanley a copy of Major Bunbury's certificate that the natives had formally ceded the sovereignty of the Southern Islands when they signed the treaty of Waitangi, and called his attention to the Proclamation of sovereignty on the 21st May. "On the subject of this communication I have to request the most inviolable secrecy from all except your superior officers, to whom it may be necessary to report your proceedings. The ostensible purpose of your cruise may appear to be the conveyance of two magistrates to Port Nicholson . . . the real object . . . is to defeat the movements of any foreign ship of war that may be engaged in establishing a settlement on any part of the coast of New Zealand."

Captain Lavaud was innocent of the intentions suspected, or knew how to disarm suspicion, for the gallant Hobson, on the 23rd July, wrote to Stanley that further communication with Lavaud induced him to believe that the "French force in these seas have no similar or concealed object in view. It will, however, be our duty to watch their proceedings, and to interrupt any of their measures that may be deemed inimical to the rights or privileges of Her Majesty. It has been reported that some French emigrants are on their way from Europe to settle in some part of these islands. Should that prove true I particularly request that you will visit the place of their disembarkation and land one of the magistrates, who will act under the instructions I have now the honour to enclose to meet that contingency." The magistrates were to hold a court on shore, and, "should no case be brought under consideration, to adjourn from day to day," carefully recording and reporting to Hobson their proceedings. Baron de Thierry,<sup>1</sup> in his autobiography, reveals

<sup>1</sup> The words of the vivacious De Thierry must be accepted with caution. He was angry with Lavaud for not "by the strong voice of authority" prevailing on the natives at Hokianga "to give me back my own" (i.e. the land he erroneously claimed). "The whites upon my property should now be taught that they were more criminal in buying what they well knew was already mine than the natives were in selling." Lavaud prudently declined the complicated task put before him, but humanely offered to take De Thierry to France as "l'hôte de la nation." De Thierry's family preferred to remain, if he would do so. Finding Lavaud unwilling to

the fact that some Frenchmen thought it Lavaud's duty to anticipate the 'Britomart.' He declares that he warned Lavaud in these words: "A trick is going to be played you. You will find the British flag flying at Akaroa when you arrive there. . . . Captain Stanley will get the start of you." De Thierry called Akaroa a "French station," and when he heard that Lavaud found the British flag hoisted there wrote: "It is unquestionably true that the French lost the port of Akaroa."

The 'Britomart' encountered stormy weather. A stern-boat was washed away, another boat was destroyed; but, in spite of all obstacles, Stanley brought his vessel to anchor at Akaroa on the 10th August. Captain Lavaud, arriving later, was detained two or three days off the point. When, on the 15th, the ill-named L'Aube anchored, the sun had for four days been shining on the English flag on shore.<sup>1</sup>

The French immigrants, under Langlois in the 'Comte de Paris,' had not arrived. On the following day they appeared. Lavaud agreed that his countrymen should land in an unoccupied part of the bay, and that until fresh instructions should be obtained from the English and French Governments, the Frenchmen should only build shelter-houses and make gardens.

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interfere at Hokianga, the Baron was annoyed at such neglect of a Frenchman's claims on "la grande nation." Lavaud courteously told him that by the Code Napoleon he had no claims. He had not been drawn for conscription—the only test. The Baron asked for commendatory letters to French ships, and Lavaud politely gave them. Though he accepted them, De Thierry wrote sadly, that Lavaud had not accorded to him the "protection toute speciale" to which he was entitled.

<sup>1</sup> Subsequent inquiry showed that Langlois, on behalf of the French Government and the Nanto-Bordelaise Company, endeavoured to forestall Captain Stanley by other means, as well as by the voyage of 'L'Aube.' Langlois was at Pigeon Bay (on the north coast of the peninsula) before the 'Britomart' anchored at Akaroa on the south, and procured Maori signatures to a deed conveying enormous tracts of land across the island, but the Maoris averred that they never received any consideration. One of the principal chiefs in the island maintained that he had claims over the whole peninsula, had sold nothing, and signed no deed. Langlois, nevertheless, obtained more signatures at Akaroa, although he found the 'Britomart' there, and was aware of Hobson's Proclamation of the Queen's sovereignty. The land which the Maoris admitted that they contracted to sell at Akaroa, in 1838, was about four hundred acres. (Report of Land Commissioners, 21st October, 1843.)

The English commander, finding that the French whaler had "six long twenty-four pounders" on board, protested against their being landed with the French settlers. Captain Lavaud professed surprise at the fact that the guns had been sent out, and assured Captain Stanley that they should not be landed. Politeness reigned at the peninsula. The English resident magistrate became a guest on board of the French frigate until he could provide himself with shelter on shore. Captain Stanley sailed away and left the French to their own devices.

Mr. Robinson the magistrate became a diplomatist. He agreed to assist in maintaining the authority of the French over their people "until some definite arrangements could be made between the respective Governments respecting the various conflicting claims to the lands in Bank's Peninsula," and Lavaud undertook to help Robinson in maintaining order, but did not wish the English flag to be hoisted over his countrymen in the meantime. This arrangement was sanctioned by Hobson and was approved in England.<sup>1</sup> The final decision as to the manner in which the French Company were required to prove their claims at Akaroa was communicated by Lord Stanley (20th August, 1842). They were to be dealt with "on the same principle as if they had been a British Company," and were invited "as a preliminary step to prove the extent of their claims, with an intimation that the claims when proved to be just would be allowed in the Northern Island, and that no difficulties would be thrown in the way of their naturalization."

Subsequent investigation of the titles of the French settlers elicited proof that the French Government had more to do with Langlois' expedition than Captain Lavaud knew or admitted. Lavaud (to Hobson in 1841) disclaimed any national intrusion

<sup>1</sup> The diplomacy of Lord Palmerston was called upon with regard to the French claims. He told the French *chargé d'affaires* in London (12th August, 1842), that the object of the Government was "to ascertain and confirm titles already acquired,"—that there might be some so extravagant and frivolous that it would be unjust to sanction them—that therefore a Commissioner had been appointed, and that Her Majesty's Government trusted that his "decisions would be such as to prevent any complaint on the part of the French settlers whom it would be the duty of the British Government to protect in their lawful possessions and useful occupations."

on the part of his Government, but "supported the claims of his countrymen as the only *bond fide* purchasers from natives."<sup>1</sup>

Among the documents produced by the French Company in 1844, in support of their claims for compensation, was a compact between the Nanto-Bordelaise Company (to whom Langlois sold) and a Commission named on behalf of the French Government by Admiral Duperre, the Minister of Marine. The Commission was counter-signed by the Prime Minister Marshal Soult, and the Minister of Commerce, and was approved by the King of the French. It was notorious that Hobson was on his way to New Zealand, when, on the 11th December, 1839, a remarkable agreement between the French Company and the Commission was signed. It showed that the vessel, nominally Langlois', the 'Comte de Paris,' was put at the disposition of the Company "par le département de la Marine tout armée et approvisionnée de rechanges pour un an . . . fonder et a occuper les premiers établissemens qui y (New Zealand) seront créés par la compagnie après qu'elle aura acquis les terrains sur lesquels elle s'établira." At least, one vessel of war was to be always on the station to protect, and "pour la formation des établissemens." For these favours the company "livrera a l'Etat le quart des terrains qu'elle pourra acquérir," as well as sites for forts and public uses.

By the light of these documents<sup>2</sup> one can understand why Langlois so hastily framed his deeds to convey millions of acres extending from the east to the west coast. One sees also that the bad faith displayed by Louis Philippe in continental affairs could conspire with so mean an instrument as Langlois, to delude the Maoris and deceive the English Government.<sup>3</sup>

<sup>1</sup> Despatch from Hobson, 5th November, 1841.

<sup>2</sup> Enclosed in a despatch, 7th July, 1845, from Lord Stanley to Governor Grey. They were bulky, and perhaps escaped the scrutiny which would have been bestowed upon them if it had been known that the claims of the French Company included proof of the long-suspected complicity of the French Government. The eventual transfer of the Nanto-Bordelaise claims to the New Zealand Company annihilated all interest in the subject regarded as a private land-claim; and there was no reason to suppose that the documents would throw light on the conduct of the French Government.

<sup>3</sup> Colonel Godfrey pronounced Langlois' alleged contracts in 1840 utterly worthless. Langlois put in at Van Diemen's Land for repairs on



On the 20th February, 1840, another document was signed by the parties to the agreement of the 11th December. They constituted themselves "*La Compagnie Française de la Nouvelle Zelande*," for the purpose of acquiring and colonizing lands there and prosecuting whale fishing in the adjacent seas. The name of Admiral du Petit Thouars appears among them as one of the links connecting the Government with the fortunes and schemes of this singular company. Their further operations were arrested in France when the Proclamation of the Queen's sovereignty by virtue of the treaty of Waitangi became known: but the French agent at Akaroa informed Governor Hobson in 1841 that "five hundred persons were on the point of embarkation, and were only prevented from proceeding to the colony" by her Majesty's Proclamation.

On the whole it is almost demonstrable that, if Gipps had not forced upon the honourable but palsied Hobson the prompt assertion of sovereignty in the Southern Islands, the enterprise of Langlois, with the aid of the French Ministry, might have had a different result; and, to use the expression of De Thierry, the French might not have "lost the port of Akaroa." Gipps approved Hobson's proceedings, and commended to the Secretary of State the "firmness and discretion" with which Hobson had acted. The fate of the French settlement may be briefly told. The project, nipped in the bud by the dashing Stanley, withered into oblivion under slow official blight. The English Ambassador in Paris was moved to communicate with Lord Aberdeen (Foreign Secretary) in July, 1842. At that time Hobson wished to assign to the French settlers fifty thousand acres at Kaitaia in the "extreme northern district." Lord Aberdeen (July, 1842), apprised the French Government of that fact, and added, that Her Majesty's Government "proposed to deal with the company connected with the French settlers on the same principle as if they had been a British Company, and to invite them as a preliminary step to prove their claims, which when proved to be just will be allowed in the Northern Island—no difficulties being thrown in the way of their naturalization." When this despatch was laid before the Land Claim Commissioners,

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his voyage, and was there informed of the Proclamations of Gipps and of Hobson, as well as of the treaty of Waitangi.



Colonel Godfrey and Major Richmond, they saw at once that the principles on which British claims were decided would bar the French from compensation, inasmuch as the pretended bargains were made long after Sir G. Gipps' Proclamation forbidding and making null the acquisition of land after the 14th January, 1840. Except as to a trifling area the French deeds were dated in August, 1840.

Calling attention to these facts the Commissioners merely reported the evidence taken. Sending their report to England, the acting Governor (Shortland) remarked that Akaroa was one of the most important harbours and stations in New Zealand.

At that time (1844), one Monsieur Maillieres was pressing the claims of the French Company upon the Colonial Office. His powers were, in 1845, supplemented by a power of attorney from Langlois, the original adventurer. The asserted expenditure was £36,000. The Land and Emigration Commissioners, at Lord Stanley's request, investigated the claims, and were satisfied that £11,685 had been expended by the company. In consideration of the silly rule established by Lord John Russell in dealing with Wakefield's New Zealand Company,—viz. awarding "four acres for every pound sterling" (expended by the adventurers)—Lord Stanley consented, although the claims put before Colonel Godfrey<sup>1</sup> at Akaroa, were manifestly worthless, to authorize a confirmatory grant limited to thirty thousand acres,<sup>2</sup> and subject to the usual inquiry as to the validity of the contract with the

<sup>1</sup> Colonel Godfrey was in England, and was consulted by Lord Stanley. He pointed out the worthlessness of a pretended deed conveying to Langlois all the land from sea to sea, between Lat. 42°20' and 44°45'. It would have comprised nearly all Canterbury, all Westland, with portions of Nelson and Marlborough. It was signed by a few Maoris at Pigeon Bay on the 12th August, 1840, months after the Proclamation of the Queen's sovereignty, (well-known to Langlois,) and two days after Captain Stanley had occupied the peninsula by Hobson's directions. The consideration was as insignificant as in other New Zealand contracts, and the owners of the territory had heard nothing of the deed, and would have received no consideration.

<sup>2</sup> The fourth part of land which the French Company was to cede to the French Government dropped out of sight. The company did not recoup their Government for the outlay on the 'Comte de Paris.' Maillieres put forward claims on that account in London, but the Emigration Commissioners deemed them untenable.

natives. Maillieres was profuse in thankfulness. Not cognizant, perhaps, of the proofs locally required as to boundaries, and tribal consent, he wrote to Under-Secretary Hope: "J'ose espérer . . . que les délégués de l'autorité souveraine seront complètement favorable a mes commettans dans la meilleure désignation des trente mille acres que le Gouvernement de S. M. Brit. a été désireux de nous concéder . . . qu'enfin de fausses interpretations et d'étroites vues n'entraveront pas la prompte et finale réalisation des volontés nobles, franches, et généreuses que le Gouvernement de S. M. la Reine a bien voulu manifester à la Compagnie Nanto-Bordelaise. J'emporte cette pensée consolante, monsieur, et je bénis ceux qui comme vous me l'ont fait concevoir." When Lord Stanley's instructions reached New Zealand, Beligny, the agent for the French Company, not having anticipated so favourable a result, was not to be found. Delays intervened. In May, 1847, the French Company treated with the New Zealand Company for sale of their claim, but considered they were entitled to larger credit for expenditure than had been allowed in 1845. They asked for two hundred and sixty thousand acres. Langlois opposed the sale to the English Company. Earl Grey, as Colonial Secretary, declined to alter Lord Stanley's decision, and in November, 1846, authorized the Governor to mark out the thirty thousand acres without aid from Beligny if he should be absent or unable to act.

Finally (4th July, 1849), before the selection was made, the official liquidateur of the French Company, M. Raillard, conveyed their entire property and interests in New Zealand to the New Zealand Company for the sum of £4,500. The sale was a relief to the New Zealand Government, which was at the time negotiating for the "Port Cooper and Port Levy blocks" with the Maoris, and the undetermined French claim was inconvenient. Among the arguments used by Tikao—in asking remuneration—was that he risked "the anger of the French Government by acknowledging the supremacy of the English." It is fair to add that Tikao insisted on and obtained a guarantee that the grave of a child at Pigeon Bay should be undisturbed until there be formed a cemetery, to which, unless it might comprise the grave, the remains were to be removed.

When the French settlers, chiefly carpenters, gardeners, stone-masons, and labourers, were left at Akaroa they planted orchards to remind them of "la belle France," but they made no homes. M. Beligny (a botanist and mineralogist) remained to superintend the settlement, but it did not prosper.

Eventually most of the settlers were removed to the French Marquesas. Over those Frenchmen who remained at Akaroa their Government long kept up surveillance. The senior French naval officer on the station acted as Commissaire du Roi. A farm and garden were at his disposal. A servant handed the keys of his dwelling to each new Commissaire on his arrival.

While the position of the French at Akaroa was in suspense, Lord Stanley watched narrowly the movements of their countrymen. In 1842, a frigate, 'La Reine Blanche,' touched at Brazil with three hundred troops on board, supposed to be destined for New Zealand. Two corvettes joined her. The Ambassador at Paris was put in motion, and M. Guizot assured him that no expedition to New Zealand was contemplated. "All that we desire is that the rights and properties of the French residing there should be acknowledged and respected by the British authorities." It was true that the corvettes had sailed to relieve the officer on the French station there. Two months afterwards the Ambassador was again assured by the Minister of Marine (on the honour of the head of the "division des Colonies"), "que la frégate 'La Reine Blanche' n'a point sa destination à la Nouvelle Zelande; non plus que le but de coloniser dans la groupe de la Tasmanie. . . Seulement il a reçu l'ordre de venir partout et de toute manière dans ses voyages au secours des Français, et de donner au gouvernement des renseignemens certains et précis sur le commerce d'Australie et des différens isles;—commerce qui a pris un grand essor, surtout dans les dernières années. Il a de plus l'ordre d'examiner s'il n'y aurait pas dans l'Australie un lieu propre à la colonisation, et d'en avertir le gouvernement Français." Fitting instructions were issued by Lord Stanley to the various Governors in the south.

When the American Consul saw Gipps' New Zealand Bill, he inquired (11 June, 1840), whether it was "expected that American citizens who may have acquired by purchase or other-

wise lands or titles in New Zealand, shall submit their titles to the proposed Commission?" The Governor replied that he had sought instructions as "to the course to be pursued with reference to lands claimed by persons other than British subjects," and he regretted that he could in the mean time give no more definite answer. When Gipps extended the laws of New South Wales to New Zealand, the Consul (Williams) again asked (22 June, 1840), whether the enactment was intended to "affect the commercial relations of the United States with New Zealand?" The Governor replied that it "was not intended to alter in any way the commercial relations between any part of the territory comprised between the limits of this Government and the United States, it being indeed incompetent for the legislature of any colony to pass laws affecting its relations with foreign powers. Sir G. Gipps deems it right, however, in making this communication, to add that New Zealand having been placed by Her Majesty under this Government, the trade between it and all foreign countries will be governed, he presumes, by the laws which regulate the general trade of the Empire, although he has as yet received no communications from Her Majesty's Government on the subject." The Consul inferred that "all cases having reference to citizens of the United States residing at New Zealand or resorting thither for the purposes of trade, will remain upon the same footing as in former years," and questions arising would be referred to England and America. The Governor coincided as to reference of disputes; but although he could "not pledge himself that the intercourse between citizens of the United States and the people of New Zealand shall remain exactly on the same footing as at present, he will endeavour (and especially with regard to the whale fishery and the curing of whale oil) to obviate any cause of complaint, so far as it may be in his power to do so." The Governor told Lord John Russell (23 July, 1840), that the question might affect the Consul's countrymen as land claimants, whale fishers, and importers. There had hitherto been no customs duties or port-charges in New Zealand. He proposed to postpone inquiries as to titles of foreigners to land until he had disposed of claims of Her Majesty's subjects; to allow whale fishing to go on as before till the Queen's pleasure might be known; and to

make payments by foreigners of customs duties commence on the 1st July, 1841.

Lord John Russell consulted Lord Palmerston. He thought the rules with regard to titles ought "to be relaxed in favour of any aliens possessing lands in New Zealand by virtue of valid titles acquired previous to the Proclamation of the Queen's sovereignty there." Lord Palmerston deemed the proposal "liberal but just." Though such claimants could not reasonably object to be called upon to prove their titles, "yet, as in the case of a conquered colony, it would not be just to apply retrospectively to aliens, who had become landowners before the islands formed part of the dominions of the British crown, the law which prevents aliens from acquiring landed property within those dominions."

To have recognized all claims without inquiry would have been, however, to invite successful fraud. There was one citizen of the United States—a runaway from a whaling vessel and a Pakeha Maori trading in pigs, &c.—who might have asked for all the winding shores of the Hauraki Gulf.

The despatches of Sir George Gipps had warned the Government of the danger of such claims (designated by Lord Palmerston, in 1842, as too "extravagant and frivolous" to be allowed), and Hobson was instructed by Lord John Russell (17th March, 1841) that except in special cases (to be referred to England), "where aliens have acquired lands from chiefs prior to your Proclamation, and that fact is undisputed, the claims must be acknowledged; but where a doubt arises whether the alien made a *bona fide* purchase of the land, the settler must be treated as a British subject, and his claim disposed of accordingly." The exorbitance of claims was the only safeguard against the abuse of the diversity of proofs permitted by Lord John Russell. Hobson was perplexed by the incongruity, and in March, 1842, sought more definite instructions, on the occasion of an application from a Belgian subject, who was scrupulous as to taking the oath of allegiance which Hobson thought necessary. Hobson, in the same month, pointed out that he had been directed in 1840 to cause Baron de Thierry's claims to be investigated in the same manner "as the claims of all other persons, British and foreign." As these

“conflicting directions” (both Lord John Russell’s) left Hobson in doubt as to the mode in which foreign claims were to be dealt with, he asked for instructions, and craved pardon for suggesting “that foreigners are not deserving of exemption from regulations imposed on Her Majesty’s subjects.” Lord Stanley told him (6th December, 1842), that “whenever it was doubted that the alien had made a *bond fide* purchase, the doubt must be solved by the same process of investigation that was settled for British subjects;” and that “besides requiring the oath of allegiance from an alien previously to his receiving a grant of land, an Act should be passed, naturalizing such alien.” As there could scarcely be a case in which the validity of the purchase by speculative adventurers in New Zealand was undoubted, Lord Stanley’s attempt to reconcile his predecessor’s contradictions afforded a *modus decidendi*, but it was unfair to Hobson to add that the Colonial Office could see “no discrepancy between the two instructions.”<sup>1</sup> The strong hand of Governor Gipps was capable of maintaining order, but the demolition of his control by Lord J. Russell remitted New Zealand to the care of men less able to maintain the rights of the Crown without needless discussion of principles of international law. The question of custom duties elicited a petition from citizens of the United States, who complained to their countrymen of loss by reason of the high duty (which they declared illegal) on spirits. The United States Minister asked for compensation. Lord Stanley was informed that British subjects had equal ground of complaint, and that the Consul for the United States (a British subject) was a member “of the Legislative Council, and helped to pass the Act complained of.” The Custom House, moreover, had only demanded the bonding of, or the payment of duty on, the goods.

Subsequently Governor Fitzroy remonstrated against the consignment of seven thousand pounds of gunpowder and fifteen cases of muskets to a person acting as Consul for the United States. Representations were made to America, and President Buchanan sent fitting instructions to the new Consul, but

<sup>1</sup> The discrepancy seems not to have been undoubted, for the denial of it was omitted in the extracts laid before the House of Commons.

thought it unnecessary to rebuke the offender, who "never held an appointment direct from the United States Government."

On its being pointed out by Governor Fitzroy, in 1845, that the United States' Consul, and the consignee of the gunpowder, had, as well as the French bishop Pompallier, fomented troubles at the Bay of Islands, where some disreputable persons incited disturbances, Lord Stanley (15th October, 1845) was incisive in his instructions to the new Governor, Grey: "You will propose to the local legislature the enactment of a law authorizing the removal of aliens from New Zealand if any doubt should be entertained by your legal advisers as to the existence of that right without the aid of a positive law." At the same time the Governor was to "observe the utmost caution and circumspection in the exercise of such a power."

It seemed convenient to class together the correspondence concerning foreign claims and the conduct of foreigners, but it is necessary now to recur to Governor Hobson's general proceedings in 1840.

When presenting the address from the company's settlers Colonel Wakefield had made so favourable an impression on Hobson that the latter asked Gipps to send magisterial commissions for Wakefield and two other persons. One of them Gipps immediately appointed, but added (11th June, 1840), "until I have an official report of an entire submission to the authority of Her Majesty by the settlers at Port Nicholson I can scarcely feel myself authorized to place any persons connected with that settlement in the commission of the peace. This of course will not prevent your sending to Port Nicholson any magistrate unconnected with the settlement or with the company under whose direction the settlement has been formed." With regard to another matter at the same time, Gipps arrested Hobson in an error for which Lord Stanley subsequently condemned him. The impressible Hobson had made a preliminary arrangement to purchase from a Mr. Clendon, by granting thirty times its area elsewhere, a piece of land for a township on the Kawa Kawa river at the Bay of Islands, and by paying to Clendon a considerable rent for a term. Gipps pointed out that Clendon could have no title; that the bill in preparation would prevent the Land Claim Commissioners from



recognizing claims to sites suitable for towns; and that Gipps was constrained to "decline to become a party to any engage-which would seem to be contrary to so important a principle, and which might also form a very inconvenient precedent. I must further observe that the purchase of lands from any other parties than the aboriginal possessors of them does not seem to me to be one of the objects for which I am authorized by the Lords of the Treasury to make advances out of the Crown revenue for New South Wales." But the effective control of Gipps was soon to be discontinued. Under powers conferred by statute, the Crown (by letters patent in November, 1840) formally separated New Zealand from the Government of New South Wales, declaring the North Island to be New Ulster, the Middle Island New Munster, and Stewart Island New Leinster,—names destined soon to disappear.

It will be proper to give two instances of the characteristic manner in which Sir George Gipps used his power while it remained with him. Hobson reported that Dr. Martin, a settler "of integrity and reputation," was alarmed. He had made large, pretended, purchases at the Thames. He had a saw-mill. Under the Land Claims Act he feared that the Commissioners might cut down his claims. Even if they should award him the maximum allowed by Gipps' Act, the terrible consequence might be that the quantity awarded would be insufficient to supply his mill with timber. Gipps replied (5th December, 1840): "This, however, may be the case, and still no injustice done to Dr. Martin, as I can see no more reason that all the timber sawn at a mill should be grown on his own land than that all the wheat or other grain ground at a mill in England or elsewhere should be produced on land the property of the miller."

In one respect Gipps had not grasped the difficulties of land purchase in New Zealand. Outside of the missionary circle no one appears to have understood the ardent attachment of Maoris to their hereditary tenure. Gipps told Hobson (30th November, 1840), that where the chiefs admitted that a sale had been made, their titles were to be considered extinct, whether "or not the whole or any portion of the land be confirmed to the purchasers or pretended purchasers." In cases



of insufficient consideration Hobson, in concert with the Protector, was to award further compensation to the chiefs.

Two vices were thus sanctioned: robbery of a tribe because one or more chiefs had agreed to sell their interest in land; and recognition of a contention that a bad transaction could be made good by compelling him who had been cheated to accept from a third party compensation which the sufferer might deem insufficient. And yet Sir George Gipps might have suspected that the words of Tacitus—*Agri pro numero cultorum ab universis in vices occupantur*—were applicable to the Maoris. The vicious principles which he was willing to sanction were ere long put in practice; not perhaps because he in ignorance approved them, but because only by their means could the company's purchase at Port Nicholson be retained. But it was under no blandishment or threat that Gipps yielded to error. The company could not overpower him as they did Lord John Russell. The flagrant manner in which Colonel Wakefield had pretended to buy an enormous tract at Wanganui; Henry Williams' endeavour to lock up the land in trust for the Maoris; E. J. Wakefield's endorsement of Williams' document as "an arrant falsehood," and his own shameful method of completing his uncle's bad deeds, have been mentioned. It has also been stated that the deputation to Sir G. Gipps (Dr. Evans, Mr. Hanson, and Mr. Moreing), returned to Wellington with a decision recognizing under certain conditions the Wellington settlement, but limiting the company's claim to 110,000 acres to be selected in one block adjacent to Port Nicholson; and that a public meeting at Wellington in December, 1840, unanimously thanked Gipps for his "justice and liberality." Nevertheless, presuming upon the weakness of Hobson, the distance of Gipps from the scene of action, and the reported influence of the company upon Lord John Russell, Colonel Wakefield conceived and attempted to execute a nefarious design to allot amongst his settlers lands at Wanganui and at Taranaki far removed from the locality to which the company's selections were confined. The "Surveyor-General" of the company published notices that plans of the districts were ready for inspection, and that selections would be made on the 4th February, 1841. The precedent at Wellington was ominous

of evil. Even there, mistakes in the plans had been discovered, and a postponement of the selections had been necessary at the last moment; and there the Maoris had remained quiet, trusting to the assurance of Henry Williams that the Governor would send a functionary to do justice, and being similarly counselled by the powerful chief, E Puni. At Wanganui the company was boldly violating a transaction entered into by Williams. To Taranaki it was known that Wiremu Kingi te Rangitake intended to lead back some hundreds of the Ngatiawa. "There is great reason to apprehend" (Hobson wrote afterwards to the Secretary of State) "that none of this vast territory has been legally purchased from the aborigines. But this is a question I will not prejudge."<sup>1</sup> When Hobson saw the advertisement of the intended selection he hastily asked Gipps (29th December) what course he should "pursue to prevent the serious consequences which would result from apportioning lands in contravention of the conditions, reservations, and limitations on which the settlers at Port Nicholson were to remain undisturbed." Gipps forthwith (12th January) answered: "You will, without loss of time, direct the police magistrate at Port Nicholson to notify in the most public manner possible that no such selections will be acknowledged by Her Majesty's Government, nor any titles whatever derived from the New Zealand Company beyond the limits of 110,000 acres taken in one continuous block around Port Nicholson."

Detected in a fraud upon the conditions which he admitted were "gratefully accepted," Wakefield, whose object seemed to be to ensure a quarrel with the Maoris, wrote a false and fulsome letter to Sydney. He desired "to comply most strictly with the law enacted by the local government regarding land in these islands," and submitted an explanation which he could not himself have believed. "Presuming that the favourable countenance shown by His Excellency to the first settlers . . . would be afforded to all comers," he "authorized a survey of the districts of Wanganui and Taranaki and the location of settlers arriving from England therein. It remains for me, therefore, to submit to His Excellency my desire to open the land for selec-

<sup>1</sup> Hobson, May 26th, 1841.

tion according to the terms prescribed in the instance of the district of Port Nicholson." He knew well that the hand of Gipps would soon be removed. He wished to temporize, and, by Gibbon Wakefield's ability, to coerce the feebler mind of Lord John Russell in England. He sent a copy of his false explanation to England, and the prompted Somes laid it before Lord John Russell as a proof of "the respectful and submissive course which their agent would certainly have pursued if he had been called upon in a manner more mild. . . ." The Directory respectfully complained of a "peremptory and harsh manner" as calculated "to detract gratuitously from their officer's influence, and consequent usefulness." Somes had the audacity to state (though the facts convicted Colonel Wakefield of daring disobedience) that he would "implicitly and instantly have obeyed any orders which Captain Hobson might have addressed him," instead of appealing to the peremptory Gipps. Lord John Russell's submission to the potent company was complete. He was of opinion that Colonel Wakefield's explanatory letter (to Gipps) "deserves the praise of temperance, which the New Zealand Company claim for it." He could hardly expect that Gipps would be duped into a like admission. He must have had a vague consciousness that he and not the Governor deserved admonition, for he told Somes (19th August, 1841,) that "the friendly relations which it was important to maintain between the Governor of New Zealand and the company's agents would, in his opinion, be rather impeded than advanced by making the subject of correspondence and admonition those misunderstandings which may unfortunately have arisen, while the parties were in ignorance of the negotiations which passed between the company and Her Majesty's Government at the close of the last year." <sup>1</sup>

The campaign of Gibbon Wakefield and his coadjutors in England was conducted on the principle of pouring settlers into New Zealand without any consideration as to the procurement of lands on which they were to be placed. Colonel Wakefield, on the spot, aimed at placing the settlers on lands to

<sup>1</sup> I have given this episode in detail, because if it were merely summed up it would be almost impossible to believe that a British Secretary of State could act in the manner described. Only his own words can paint him.

which he knew he had no title, and for which, under Sir George Gipps, it was manifest that no legal title could be secured. The company sold land in England, and the purchasers from the company on arrival in New Zealand drew lots for sections, on which Colonel Wakefield placed them without complying with the requirements of law. At Wanganui and at Taranaki Sir George Gipps arrested this lawless procedure, and Lord John Russell condoned it in the manner just related. The company truthfully reported to Colonel Wakefield that the Colonial Office was becoming pliant.

The servants of the company became insolent in New Zealand. They called Captain Hobson "Captain Crimp," because he attracted workmen from Cook's Straits to his new capital at Auckland. They derided him publicly and privately. They pointed triumphantly to the population which, under their loose devices, had accumulated at Wellington in greater numbers than could be found at the official colony. An affray between American sailors and Maoris at the Bay of Islands afforded Hobson an opportunity of representing the want of a military force. Lord John admitted the need, but could hold out no hope, "at least for the present," and advised the formation of a body like the Irish police. He did not say where the materials could be found. Sir Robert Peel had made policemen of the Irish, and Hobson might, perhaps, do as much with Maoris.

When Mr. Somes angrily commented on the petition of the Rev. William Williams, and imputed it to Henry Williams—at the same time vilifying the latter—Lord John sent the correspondence to Hobson, with an intimation that he looked to Somes and to Williams "for co-operation in establishing friendly relations between all parties." He did not stop to observe that one Williams had been confounded with another, and as late as October, 1843, the company did "not deem it advisable to take any mode of making public the correction of this mistake." So plastic was the Minister in the hands of the company that when the Land and Emigration Commissioners in London offered special areas of 5120 acres to settlers in New Zealand, and Mr. Somes remonstrated, Lord John compelled the Commissioners to revoke their advertisement lest the designs of the company should be incommoded.

Among the weapons of the company was a Select Committee of the House of Commons, in 1840. Lord Eliot was chairman. Gibbon Wakefield was examined at great length, and professed to represent Lord Durham, who died before the Committee was closed. With his usual address, Wakefield commented on the proceedings of the Association of 1837, the opposition of Lord Howick, and the hostility of the Church Missionary Society to Mr. Baring's bill in 1838, and the "act of hostility" of Lord Melbourne's Government in not allowing the New Zealand Company to carry out the self-governing agreement (which Serjeant Wilde, on being applied to by the company, had pronounced illegal). Wakefield insisted that the company were "morally right," but on moral questions he was not deemed an authority. He denounced the recognition of the rights of Maori chiefs. England ought to have claimed sovereignty on account of discovery by Captain Cook. He assailed the conduct of the missionaries. Mr. Dandeson Coates, the secretary of the Church Missionary Society, was examined. He admitted that it had been formerly opposed to interference with the Maoris by the Government. It had hoped to civilize them as a people; but, unless English authority should be set up, anarchy had become inevitable. As to the charge against missionaries for purchasing land the Society had, in 1830, thought moderate purchases as provision for their children desirable. In 1838, on rumours of large purchases, the Society instituted inquiry, and deeming a purchase by a catechist<sup>1</sup> inordinate they informed him that it was incompatible with his office. If he denied their right to control such matters the committee must "adopt the painful alternative of declaring his connection with the Society terminated." A representative of the Wesleyan Mission Society testified to similar moderation on their part. They found fault with one missionary for purchasing lands; he defended himself, and about 1837 they "came to the conclusion to dismiss him."

Mr. Hutt, M.P., a director of the New Zealand Company, was bold if not insolent on its behalf. He disputed the validity of Sir George Gipps' Proclamation of January 1840, and the intended commission to examine titles to land. The company

<sup>1</sup> Mr. Fairburn. The purchase (40,000 acres at Tamaki) has been described already.

had met (that morning) to fortify Hutt. They were wise in their own generation. They well knew that Colonel Wakefield's pretended deeds were vicious. His own letters either admitted or proved the fact. They resolved to terrify Lord John Russell and shake off the control of the sagacious Gipps. Mr. Hutt read their resolutions :

1. Sir George Gipps' Proclamation is "so contrary to international law and so repugnant to justice" that they would "use all legitimate means of resistance."

2. That the subjection of private property in New Zealand to "absolute control of a distant and rival colony is so repugnant to justice and propriety" that it must be resisted.

Their third resolution was widely inconsistent with their assertion that the Maori chiefs could have no sovereign rights.

3. "That inasmuch as this unparalleled interference with private rights cannot even lawfully take place in any part of New Zealand not ceded to Her Majesty, it is to be expected that the settlers on the company's territory, with a view to preventing their own ruin, may be led to induce the chiefs of New Zealand to retain the sovereignty thereof."

4. That the company would concur in any general scheme concerning its shareholders and purchasers.

5. That the company would furnish funds by loan—"to defray expenses of government in the islands until sufficient colonial revenue shall accrue"—duly secured on ordinary revenue and collaterally on the land fund.

The Parliamentary friends of the company were numerous, and Lord Eliot submitted a report in unison with their views, at a time (30th July) when Lord Durham, their leader, was dead but unburied. England ought to "become the sole proprietor of the whole soil of New Zealand." The treaty of Waitangi was absurd. The committee rejected the report; and by seven votes against four resolved merely to report the evidence taken. Gibbon Wakefield's wrath against Lord Howick for voting against Lord Eliot's draft report was unbounded.

The close of Parliament on the 11th August enabled the company to ply their arts upon Lord John Russell so successfully, that in November, 1840, he contracted a formal "agreement" with them, which overthrew all the benefits derived

from Sir George Gipps' sagacity. He guaranteed to the company "as many acres as shall be equal to four times the number of pounds sterling" expended in despatch of ships,<sup>1</sup> purchasing stores, buildings, surveys, &c. One Mr. Pennington was named by him as the accountant empowered to make the estimate. The lands to be assigned were to be taken "at or in the neighbourhood of Port Nicholson, or at or in the neighbourhood of New Plymouth (Taranaki)," but were "not collectively to amount to more than 160,000 acres." Reserves made by the company for the natives were to be guaranteed to them by the Crown in fulfilment of the company's pledges. Lord John Russell agreed that "for the present all sums of money which shall be paid by the company for the purchase of land in New Zealand, shall, whenever such money shall be paid in England, be laid out in the removal of emigrants to New Zealand." For reasons unexplained on his part (and inconsistent with the affectation of Lord Durham in 1837, as to the detestation by his friends of any mercantile profits), he agreed to allow a discount on cash payments for blocks of 50,000 acres. He added (in December, 1840), that at least fifty per cent. of the proceeds of land sales in the colony (where the uniform price was to be one pound sterling per acre) would be applied to immigration, the remaining fifty per cent. duty being regarded as chargeable with the expenses of surveys, with the protection of the aborigines, and other "indispensable expenses." The agreement provided for the grant of a charter to the company.

In January, 1841, the company suggested that the discount allowed to them—"as a reasonable scale of remuneration"—should be twenty-five per cent., but no decision was arrived at. The agreement had left the amount of discount a blank. The company, well aware of the pit into which they were leading Lord John Russell (by the concession of four acres for each pound expended, and the inclusion of Taranaki as a field for their settlement), were not desirous that he should see whither he was falling until it was too late to retract. He felt secure in his dream that he had limited their claim to the quantity (160,000 acres) named in his "agreement" with them.

<sup>1</sup> The surreptitious despatch of the 'Tory,' was therefore rewarded by the Cabinet whom it had overreached.



Above all things, they desired to commit him irrevocably to the removal of the keen gaze of Gipps from their operations.

Unconscious of the heritage of crime and woe which he was entailing upon Pakeha and Maori by recognizing the vicious pretensions of the company at Taranaki, Lord John Russell sent his foolish correspondence to Gipps, adding, that he had not abandoned "the plan of instituting a commission to inquire into titles or claims to land in New Zealand." The sinister influence under which he was labouring, was shown by his directing Governor Gipps "to defer the execution of any powers" given under the Land Claims Act of New South Wales "until you shall receive further instructions from me on the subject." Thus did he at the instigation of the company paralyze the arm of justice. Fortunately Gipps had not received the admonition when he arrested Colonel Wakefield's lawless conduct at Wanganui and Taranaki in January, 1841.

Lord John had leisure to become didactic. With his despatch (9 Dec. 1840) in which he transmitted the letters patent creating New Zealand a separate government,<sup>1</sup> and conveyed to Hobson his commission as Governor, he sent copious instructions on "legislation, administrative authority, use of the public revenue, the aborigines, sale and settlement of waste lands, and the general care of the education of youth, and the religious instruction of all classes within the Government." Like Polonius, he uttered wise maxims; but like Charles II., he did no wise things. A straightforward declaration that the treaty of Waitangi would be respected, and that no settlement would be permitted except on land of which the title might be approved by the representative of the Crown, was all that was required from him, but he did not make it. By what he called his negotiations with the company in London, he had made it difficult for Hobson to carry into effect the wise instructions of Sir George Gipps. He did, nevertheless, admit that the Maoris had been "formally recognized by Great Britain as an independent state, and that, even in assuming the dominion of the country this principle was acknowledged, for it is on the deliberate act

<sup>1</sup> Letters patent designated parts of New Zealand as in 34th parallel of *North* Latitude, and Hobson's commission styled him John, while his name was William.



and session of the chiefs, on behalf of the people at large, that our title rests." Hobson was to support the missionaries, and to maintain the Protector of the Aborigines. Lord John sent for his perusal a report by Captain George Grey<sup>1</sup> on the aborigines of Australia, the general principles of which would be applicable in New Zealand. Governor, protectors, and missionaries using wise foresight, and endeavouring to secure "the assistance of the more intelligent and wealthy settlers,"—together with a just faith in the susceptibility "of improvement and culture of every race" . . . might "rescue the natives of New Zealand from the calamities of which the approach of civilized man to barbarous tribes has hitherto been the almost universal herald. . . ." Soon afterwards (April, 1841), Lord John disallowed Gipps' Act because "the arrangement which I have made with the New Zealand Company will forbid the application of the Act in its present form to the case of the lands to be granted to them;" but he authorized Hobson to postpone the notification of Her Majesty's disallowance if such notification should seem injurious. Hobson was to propose a new law embracing the general conditions of the Act of Gipps; and Lord John would send a single commissioner to investigate the land claims.

He had acquired some knowledge of the nature of Maori occupation and tenure, for he wrote (January, 1841): "It would appear to be the custom or understanding of the natives that the lands of each tribe are a species of common property which can be alienated on behalf of the tribe at large only by the concurrent acts of its various chiefs."

The company were not slow to reflect upon New Zealand the malign rays with which they had deflected the Colonial Office from its uprightness, under Lord Normanby, into the crookedness of Lord Russell. They told Colonel Wakefield, at an early date, that their "footing was much improved." He was to be polite to Hobson. They afterwards offered to convey a house for Hobson which was to be shipped from England. Colonel Wakefield was to send a special messenger to receive Hobson's directions about the house (which it was hoped would be erected at the company's settlement), and to allot ample

<sup>1</sup> Afterwards Governor of New Zealand, and known as Sir George Grey.

confidence (312 votes against 311). A dissolution in the same month was followed by elections fatal to the Melbourne Ministry. In the new Parliament a fatal division was taken on the 28th August, three days before Lord John made his feeble moan against Pennington's award. Sir Robert Peel was sent for on the 31st August, and Lord Stanley became Colonial Minister. The company had nothing to expect from Lord John, and could afford to expose his folly without mercy. They threw off the mask they had worn while cajoling him. Gibbon Wakefield's ductile scribe, *Somes*, informed him that the company had not been told to what Lord John had supposed their claim might amount, nor "what excess above that was sufficient to produce an impression upon his mind unfavourable to the application of the purchase-money to immigration," but they assured "his lordship that as we could not be ignorant of our past expenditure, we never anticipated making good our claim to any extent materially less than that awarded by Mr. Pennington." Thus even when professing to resist the pretensions of the company Lord John left a legacy of trouble to his successor, which Gibbon Wakefield and his henchmen were to use to their advantage. Before dealing with the conduct of Lord Stanley it will be well to follow the course of events in the colony.

Governor Hobson could not but shrink from the almost certain disputes which would arise from the land claims of the company. Numerous chiefs denied their validity and extent. Rauparaha, the controlling genius of the Maoris at Cook's Straits, impeached some of the purchases, while Wakefield was reporting that they were duly made. Mr. E. J. Wakefield thus described Rauparaha's influence on the occasion when the departure of Ngatiraukawa allies was threatened. "Much as I abhorred his character I could not but yield my unbounded admiration to the imperious manner in which he overthrew the whole effect of Ahu's beautiful summons to the tribe. Instead of his usual doubting and suspicious manner, his every gesture became that of a noble chief. He rose with all the majesty of a monarch, and he spoke in the clearest and firmest tones. . . . 'Go! all of you! go, Ngatiraukawa, to Maungatautari. Take your children on your backs. Go, and leave my land without men. When you are gone I will

stay and fight the soldiers with my own hands. I ask you not to stop. Rauparaha does not fear. . . . By fighting I have got my name. Since I conquered these lands I have ever been spoken of as a king. I am their king. I have lived and will die a king, with my 'mëřë' in my hand. Go ! I am no beggar. Rauparaha will fight the Queen's soldiers with his own hand,—with his own name. Go to Maungatautari.' Then suddenly changing his strain he looked on the assemblage of chiefs, bending down towards them with a paternal smile, and softening his voice to kindness and emotion : ' But what do I say ? What is my speech about ? You are children. It is not for you to talk. . . . Can one of you speak when I am here ? No, I shall rise and speak for you all, and you shall sit dumb ; for you are all my children, and Rauparaha is your high chief and patriarch ! ' He completely won his point by this fearless rejection of their assistance, ending in arrogant assumption of absolute authority. . . . One of the highest chiefs said to me : ' It is true. He is our father and our Ariki. Rauparaha is king of the Maori, as your Queen is over the Pakeha ' ; and the others bowed a silent assent, and seemed each to swell with conscious dignity as the follower of such a leader." Such, in the opinion of an enemy, was the man whom Colonel Wakefield had made an interpreter call liar and slave ; and against whom, if he should abet Wakefield's baseless claims, Hobson would have to provide in New Zealand a body like the Irish police. Lord John Russell, in a style which wavered between that of Dogberry and Polonius, thus instructed him in April, 1841 : He feared " that the arrangements of the army would not admit of any material increase to the force in New Zealand." He " approved the tone of Hobson's communications with the natives, and had nothing to add to former instructions about the survey of lands ; but I gather from your report that there is abundance of Crown land at the disposal of the Government, and I shall accordingly authorize the Colonial Land and Emigration Commissioners to advertise the sale of the Crown lands of New Zealand in this country, as is done in regard to the waste lands of the Australian colonies. There appears to be an essential difference between the soil of New Zealand and that of every district hitherto occupied by British subjects in

Australia. The country appears to be essentially fitted for agricultural and not for pastoral operations. . . . I should wish you to endeavour to act on the general principle of forming the settlers of each district into a regular community, as in the early history of this country the Saxons were settled under King Alfred, and as in the present time new townships are settled in the United States of America. Acting on that system it will be desirable to encourage in every settled district the establishment of a place of worship and a school, and the appointment of a magistrate with one or two constables, and a vestry or township meeting to impose rates."

The prospect of fresh land claims arising out of sales in England while existing claims of the New Zealand Company were unadjusted, was another drop in the cup of Hobson's troubles. To assuage them, Lord John, in the same despatch, promised that a Judge and an Attorney-General should soon be sent him. In August, 1840, Lieutenant Shortland had reported that a small guard of thirty soldiers whom he took to Port Nicholson had been needed to enable him to quell a disturbance between some of the company's settlers and a few Maoris of inferior degree. The difficulties of Hobson's position, aggravated by Lord John's instructions, were sufficient to distract a man in sound health; and he, as was known to his detractors, was unsound except in the noble quality that from no act of known duty could he be diverted. The prospect of sales of land by Hobson at Auckland annoyed the company. They represented to Lord John Russell in July, 1841, that the uniform price of land ought to be raised to £2 or at least £1 10s. per acre, and he met their wishes. He had "no objection to raise the uniform price to thirty shillings, and would hereafter be prepared to adopt the plan of sale by auction." He asked "the intention of the company" as to selling land. They replied that they were selling none in England at less than thirty shillings, and had directed Colonel Wakefield "on no account to allow the upset price on land offered by the company for sale by auction to be lower than the uniform price of Government for the time being." In effect, Hobson's first sale took place in April, 1841, and the prices realized for town allotments reached an average of

£595 an acre. Hobson allowed about twelve Government officers to select allotments, for which they were to pay the average price realized in the section on which they might be chosen. For this he was bitterly assailed. In September, he sold suburban, cultivation, and small farm allotments, at the upset prices of £20, £10, and £3 respectively. They realized on an average £45 14s. 3d.; £13 5s., and £3 8s. per acre. Larger farm allotments of fifty acres each, at an upset price of £2 an acre, found no buyers. The company's settlers appealed to Sir George Gipps against "the wrong done to intending purchasers" by Hobson, in allowing the Government officers to select their allotments at the average established by auction. Hobson defended himself by saying that it was advisable to allow the officers to know beforehand where they might erect shelter, and Gipps reminded the settlers that the lowest possible price to the officers at Auckland would have been £80 an acre, and that amongst the memorialists there must have been some, if not many, who (as company's immigrants) had "obtained allotments, and even some of the best, in the town of Wellington, at the rate of twenty shillings an acre." But Sir G. Gipps was sustained by the Secretary of State in condemning Hobson's departure from Gipps' instructions as to the method in which he was to permit the officers to acquire land. Lord Stanley decided (June, 1843) upon Hobson's appeal. In "clear cases" where there was no reason to doubt conformity with the spirit, if not the letter, of the original instructions of Sir G. Gipps, grants were to be made. In "doubtful cases" the amount expended on building or improvement was to be added to the price paid to the Government for the land—the two amounts forming the upset price at auction. If there should be no bidding in advance, the officer was to obtain a confirmatory grant. If a higher price should be bid the officer was to receive out of it the upset price as his indemnity. If he should be himself the last bidder, he was to pay the Treasury the difference between the upset price and the last bidding, and to receive a confirmatory grant. Thus was terminated a strife which rent the little community of Auckland for years, and gave much anguish to Hobson, whose condemnation by local enemies was supplemented by that of official superiors.

Amongst Wakefield's engines was the formation of ancillary companies in England. In January, 1840, a Plymouth Company (merged in the New Zealand Company in May, 1841), was formed at Plymouth. The Earl of Devon was Governor, and the Directory was imposing. The new company bought from the New Zealand Company 10,000 acres, and subsequently 50,000 acres, and despatched a surveyor to examine the land. In August, 1840, Colonel Wakefield sent surveyors to look at Taranaki. When Carrington, the surveyor for the New Plymouth Company, reached New Zealand, Colonel Wakefield placed a vessel at his disposal to enable him to examine Queen Charlotte's Sound, Blind Bay, and Taranaki. Carrington was not unwarned of difficulties, for he wrote to England: "Things are very far from being right with regard to confidence in the Government." Nevertheless, after examining the shores of Golden Bay, Blind Bay, and the coast from thence to Cloudy Bay, he proceeded in defiance of the Government to select a site for a New Plymouth settlement at Taranaki. "Nothing" (one of his party wrote) "can surpass the quality of the soil if we are to judge from the luxuriant vegetation springing up everywhere." There can be no doubt that the surveyor entered fully into the lawless proceedings of Colonel Wakefield, which were promptly checked by Sir George Gipps when he forbade in January, 1841, any selections by the New Zealand Company at Taranaki.<sup>1</sup> In spite of the stoppage of the selections the surveyor, Carrington, proceeded to Taranaki with intending settlers, trusting to the good offices of the man Barrett, already mentioned. At a banquet in England the new settlers had been promised a town section on arrival in Taranaki. So confident were they that they could overbear the Government that in drawing lots for the order of choice they made no reservation of land for the natives when, after the removal of Gipps' authority, they drew lots in September, 1841.<sup>2</sup> At a banquet in Taranaki (in March, 1841), joyous in their

<sup>1</sup> In a 'History of Taranaki' (by B. Wells), published in New Zealand in 1878, the author conveys in a few words the disloyalty to Hobson, which pervaded Wellington, Taranaki, &c. "In the early days of colonial history Auckland was a wretched vampire, preying upon the vitals of the company's settlements," p. 74.

<sup>2</sup> Official Documents. A. Mackay. Wellington, 1873, vol. i.

escape from the just rule of Gipps, they drank the health of Lord Russell with encomiums on his statesmanship and generosity. The Government (one speaker said) "had at length met all their wishes." But Hobson was not so weak as the speaker imagined. When at Wellington in September, 1841, he informed Colonel Wakefield that the Crown would forego its pre-emptive right over a limited block (extending ten miles on the coast from Sugar-loaf Point towards the Waitara river), and the wail of the settlers was loud when they found the coveted Waitara district excluded from their operations. Moreover, grants were only to be issued of such land as had been "validly purchased from the natives." It was not auspicious for the company that Messrs. Godfrey and Richmond, the Commissioners appointed by Governor Gipps, had shown a desire to conform to the Act prescribing their functions with regard to "real justice and good conscience." The claim of the Rev. R. Taylor, though admittedly purchased to put an end to a tribal dispute, was reduced from 50,000 acres to 3000 acres, and a man who had paid £223 saw his claim cut down from 10,000 acres to less than 900. Unless Lord Russell's appointee, Mr. Spain, the Chief Commissioner, should be found more pliant, the affairs of the company would be plunged into confusion. The New Plymouth Company was not the only engine employed by Gibbon Wakefield. What was called the Second Colony of New Zealand was first brought into notice by a letter (2nd Feb. 1841) from Mr. B. E. Duppa. His associates desired to work upon a large scale. As Sicily had been colonized by the establishment of Greek towns on the coast, so should the English form their cities on the shore. They were prepared to take 201,000 acres at some site to be determined upon after reaching New Zealand, the price being thirty shillings per acre. Of the £300,000 obtained for the land, half would be expended on immigration, one-sixth would meet expenses of founding the colony, one-sixth would provide for great public needs in the colony, and another sixth would accrue to the new company as profit on the use of its capital. Amongst the great public needs were the supply of religious ordinances, and the establishment of a college, to each of which uses fifteen thousand pounds were to be given. The



Directors of the New Zealand Company warmly adopted Mr. Duppa's propositions with few and slight variations, issued a prospectus, and obtained Lord John Russell's consent (despatch to Hobson, 22nd April, 1841) to their selection of the new lands in any part of New Zealand which Hobson might sanction. The company were entitled, under the award of Mr. Pennington, to select a site for their second colony in that part where "their settlement had been formed, and to which they had laid claim in virtue of contracts made by them with the natives or others antecedently to the arrival" of Hobson as Governor. Colonel Wakefield applied for Hobson's sanction in selecting "at least 200,000 acres with a port capable of accommodating large vessels." He desired to choose them in the Middle Island, at Port Cooper, subject only to two conditions imposed by Lord John Russell; viz. that sufficient public reserves be made, and that "the substituted lands should not embrace any part of the future capital "of New Zealand," or of its suburbs. Hobson shrunk from allowing occupation of the Middle Island. It would distract his feeble resources, and might destroy his capital in the north by making Wellington the most desirable centre of authority. He would purchase lands on the Thames or the Waipa (if they would suit the company), as they might be placed at his disposal by the native chiefs. Colonel Wakefield declined to go northwards, and fell back upon Blind Bay, where he thought the company's claims too strong to be resisted, and Hobson was fain to yield. The French Nanto-Bordelaise Company's claims at Akaroa were put forward by him as an argument against allowing the company to form their second colony at Banks' Peninsula, but Wakefield made light of a foreign pretension running counter to British claims dated from the time of Captain Cook. An unhappy expression, in which Hobson wrote of the company as "selling towns in England which are beyond the wants of the colony, and are used merely as a means of carrying on gambling and speculations by persons who never dream of becoming colonists," was at once warmly repudiated by Wakefield, and Lord Stanley, as supreme censor, informed Hobson that on reconsideration he would probably "be of opinion that it had better have been omitted." Straws show

how the wind blows, and those who were in the colonies at the time remember that the wind blew very hard against Hobson. He had been induced, "on the score of expediency," to relax the restriction upon occupation by the company's settlers of lands at Wanganui and Taranaki, although while Lieutenant-Governor he had appealed successfully to Gipps to check that occupation. Lord John Russell's "negotiations" had defeated the providence of Gipps; and as "the only means to restore confidence to occupiers who had bought from the company" under the implied assurance that the title "was clear and undisputed," Hobson had permitted occupation subject to subsequent examination, but he declared (September, 1841), that he would not allow such a "procedure to be drawn into precedent," especially for those "not already occupants." Wakefield, confident in the support of Lord John Russell, assumed a high tone towards Hobson, informed him that if the district pointed out by the latter should be unsuitable, he should fall back upon his old powers, being instructed by the Directors in that event to "stand by the old right of choice, and select within the limits pointed out by the agreement" (with Lord Russell). "In other words, I shall be obliged to take the best lands and harbour I can find within the territory claimed by the company, in virtue of my contract with natives and others made antecedently to your arrival as Lieutenant-Governor."

Wakefield declined to establish his second colony at the Thames, and sent his brother, Captain Wakefield, who was the leader of the new settlers, to form it in the Middle Island, and, in defiance of Hobson,<sup>1</sup> Port Cooper was aimed at. Information from a Maori chief led to an examination of Blind Bay in the first instance; and the harbour of Wakatu or Nelson being shown to him, Captain Wakefield abandoned his resolution to sail to Port Cooper. Not tenanted by many natives, Blind Bay was more peculiarly at the disposal of conquering chiefs than some parts of New Zealand. Raupahara always admitted that, as to his own rights, the sale to Wakefield of Blind Bay, in 1839, was valid. Those who weigh

<sup>1</sup> Paper furnished by the Superintendent of Nelson, p. 174; Vogel's 'Handbook.'

evidence will perceive in the facility with which the Nelson settlement was formed a presumption in favour of Raupahara's good faith, as well as of Hiko's, for both those chiefs, without demur, gave a full acknowledgment that Blind Bay had been fairly bought. Hobson could no longer oppose the triumphant company, and one difficulty was removed, though not in a manner conducive to the maintenance of his authority.

Lord Stanley relieved him from another, into which Mr. Hanson's attempt to purchase the Chatham Islands might have led him, when no longer supported by the vigorous intelligence of Gipps. The terms were not made public when Hanson returned to Port Nicholson. Mr. Somes in October, 1841, informed the Secretary of State (Lord Stanley) that the company were in treaty with official persons at Hamburgh and other free German cities, for the sale of the Chatham Islands to a German Colonization Company. He averred that the islands were not British possessions, and that national advantages would accrue from attracting thither friendly Germans. He offered to stipulate for the British flag the same status as that enjoyed by the Hanse towns, and would "restrict the purchasers from making any part of the islands a penal settlement." Lord Stanley consulted the law officers, and declared (December, 1841) that the original purchase by R. D. Hanson for the New Zealand Company, and the contemplated sale, were illegal;—that the overtures about the national flag and the intended restrictions were an intrusion on the royal prerogative; and that he could find nothing in the company's charter warranting the application of money to the purchase of the islands. But progress had already been made in negotiating their resale. K. Sieveking, Syndic of Hamburgh, and eight other persons issued a prospectus of the German Company, announcing that they had made a contract, were about to take possession, and would apportion the proceeds of land sales, one-half towards German immigration, one-quarter for public expenditure in the new colony, and one-quarter to defray the expense of administration in Hamburgh. One-tenth of each district, port, suburb, and rural area, was to be set apart for "higher objects, on the security of which the value of the new settlement in the eyes of the better part of its population must depend,—the church and

the school." Promptly Lord Stanley requested the Secretary of State for Foreign Affairs to apprise "Mr. Syndicus Sieveking" that the Chatham Islands would thenceforward form part of the colony of New Zealand, and would be subject to the laws in force there, which made null any assumed sales of land unrecognized by the local government after a report from Commissioners. The necessary Proclamation was forthwith promulgated. The profuse *Somes* explained that the purchase was made before the issue of the company's charter, and was therefore legitimate. The company consisted of different persons from those for whom Hanson had purchased, "because, since the grant of the charter, a new body of shareholders" had been admitted; but the acquisition of the Chatham Islands, though impossible for the chartered company, was lawful for the co-partnership for which Hanson had made it. A suspicion must have crept into the minds of the Directory that Lord Stanley could not be imposed upon by sophistries sufficient to confuse Lord Russell, for they hoped that their "having perhaps rather unguardedly stated that they, the Directors, were in treaty for the sale of the islands" (to the German towns) "would not prejudice them in his judgment." He curtly told them that as it appeared they had no property in the islands, it was unnecessary to pursue correspondence with them on the subject, but he "must be understood as not acknowledging the right of any persons to any land in the Chatham Islands acquired by purchase from the natives." Subsequently he informed Mr. *Somes* that the law officers had reported that the consequence of an abuse of the trust created by a charter might be forfeiture of the charter altogether, though they doubted whether the conduct of the company in the case before them would, "if the intention were abandoned, be deemed to amount to such forfeiture." Recognizing their master, the Directors expressed a "deep sense of his kindness" in communicating to them the opinion of the lawyers, "and were happy to find that they express no opinion that any bad consequences have been incurred by acts already done." They would take the utmost care in future. For the credit of his literary ability it may be assumed that Gibbon Wakefield took no part in framing the fawning apology,

which was signed by a secretary, Mr. John Ward. At a later date it was ascertained through the Foreign Office that Mr. John Ward, while accredited to Hamburgh as a Commissioner from the Crown for other purposes, had, on behalf of the company, negotiated with Mr. Syndicus Sieveking. Then Lord Stanley's ultimatum was sent to Sieveking and to the company. The legal consequence of the transaction he did not think it necessary to inquire into for the immediate purpose of his letter, which was to declare Hanson's transaction void. Somes or his prompter, in reply, averred that Ward had not acted under the company's instructions, and that, "though constantly pressed to ratify Mr. Ward's agreement, they had declined to do so." The letter was written with the vigour of Gibbon Wakefield, and showed none of the cringing tone adopted in Mr. Ward's apology. Lord Stanley appears not to have condescended to point out that it was utterly at variance with the plain terms of Mr. Somes' first letter, that the company were "in treaty with certain parties for the sale" of the islands. Nevertheless, Lord Stanley had due warning that the moral code of the company was not of a high order, and that their legal agents in New Zealand could commit gross blunders.

It has been convenient to touch upon the occupation of Wanganui, Taranaki, and Nelson, in order to present a general view of the condition of the islands. But before Hobson visited Wellington in September, 1841, he had held a session of his Legislative Council in May. That body passed Acts to establish Courts of Quarter Sessions, and of Requests, Customs and Distillations Acts, an Act to declare the laws of New South Wales in force, so far as applicable, and a Land Commission Act to replace the Act of Gipps. Hobson re-appointed the Commissioners sent by Gipps,—Messrs. Godfrey and Richmond,—and before Hobson went to Wellington, nearly six hundred claims had been referred to them.

Mr. Spain, appointed by Lord Russell as Commissioner of Land Claims preferred by or on behalf of the New Zealand Company, was daily expected. There had been a public meeting at Wellington at which a petition was adopted, praying for Hobson's removal. An amendment moved by Hanson, for redress of grievances, was rejected, and in violation of the rule

on the subject, the petition was sent direct to England, and copies were sent to Hobson and Gipps for their information. A counter-petition in favour of Hobson was sent from the northern portion of the island. It must have been with a heavy heart that the infirm but gallant Hobson went to Wellington in August, 1841. His proper authority had been curtailed by Lord Russell. He was the butt of the greedy and triumphant company. When he became Governor, Wakefield, Hanson, Dr. Evans, and others had sent him a lengthy address, lauding the advantages of Wellington, and almost demanding that the seat of government should be established there. "The honour of" Hobson required such a consummation. He replied courteously—reciprocating their desire for that harmony which is "so essential for the development of the resources of the colony,"—but did not touch upon the question of the seat of government.

To the Secretary of State he narrated in an important despatch (26th May, 1841), those proceedings of the company which, from the impunity with which lawless encroachments on land had been made, would, if not overcome, leave the company sole masters of the field. The location of settlers at Wanganui and Taranaki had taken place in spite of prohibition by the Government, and there was reason to apprehend that no land had been legally acquired by the company at those places. "More than one tribe has called on me to remove intruders, threatening to dislodge them by force if I do not afford redress." Hobson would require the agents of the company to submit their claims for examination. Of the natives he reported that they preserved a peaceable demeanour, and were amenable to English laws "in a wonderful degree." The aspersions made against him by the company arose from his declining to establish the seat of government at Wellington. He could have made himself popular by abandoning his duty, but "had I yielded to these temptations the moral debasement would have sunk me to the grave." He hoped to accord sufficient courts of justice and means of municipal government throughout the various settlements, and if his measures should be approved by the Secretary of State, he would be "fully compensated for all the vexations and offensive opposition" he had encountered. If Lord Russell had replied, it is probable that he, as the

foolish abettor of the company's misdeeds, would have censured Hobson. Lord Stanley (24th Jan., 1842) approved his proceedings.

At the time of Hobson's arrival at Wellington, New Zealand had received the only boons for which she was indebted to Earl Russell. Chief Justice (afterwards Sir) William Martin, and the Attorney-General, William Swainson, brought to her shores ability and integrity which only the defects of others prevented from averting future woe. But nothing could satisfy the Wellington settlers, so long as their town was not the seat of government. It speaks volumes for the missionary Hadfield, that of him all men spoke with one voice of praise. Mr. Edmund Halswell had been appointed in 1840 by the New Zealand Company to manage their native reserves. At that early date they had discovered that by an arithmetical juggle they might break the word which promised a tenth of their lands as the heritage of the Maoris. Halswell was to "select an eleventh, or a quantity equal to one-tenth," as native reserves. The purpose of the company, he was told, was "to guard the chief families from cruel debasement," by "giving them property in land." He was to promote "their moral and physical well-being to the utmost extent." He was not inactive. In November, 1841, he had made a census which showed 107,219 natives residing in the islands. All except 4424 of them were in the North Island. He lived much amongst the native chiefs near Otaki, and found them peaceful. The change from the former scenes of bloodshed had been principally brought about (he said) by Mr. Hadfield. A more singular testimony was afforded by the violent Mr. E. J. Wakefield. Mr. Hadfield's "irreproachable character and winning demeanour procured him the love and respect of all classes, in both races; of the heathen native and the brutal beach-comber, as well as of the grateful converts and the colonists of education. . . ." Colonel Wakefield himself wrote (February, 1842): "Mr. Hadfield, who was educated at Oxford, and is a single-minded and sincere minister of the Gospel, well deserves the estimation in which he is held by all parties." It was good for New Zealand that there were such men to show that the word of a white man could be trusted. It was with due



regard to their conduct that the Maori agreed to abide by the decision of the servants of the Queen. Yet there was occasional risk of disturbance. A Maori was found dead near the Te Aro pah at Wellington. Settlers said he had died of apoplexy. Maoris said a Pakeha had killed him. A rope tied in a knot never used by Maoris convinced them that there had been foul play. There was a commotion. Mr. Murphy the magistrate with difficulty averted violence. The wrathful settlers accused him of cowardice. At a public meeting it was resolved that executive authority vested in a police magistrate was inadequate, and that unless the Queen's representative would adopt measures it would "become necessary for Her Majesty's faithful subjects to organize the means of protection against disturbers of the public peace and the opponents of British law and authority which is presumed to be established in New Zealand." Dr. Evans, gifted with a ready flow of high-sounding words, descanted on this theme with classical vigour to a favourable audience. Mr. Murphy succeeded in averting further mischief until the arrival of the Governor (19th August) brought the settlers face to face with the Queen's representative, for whose dismissal they had appealed. Mr. E. J. Wakefield, writing soon after the event, declared that the settlers "were convinced that they had an enemy to meet;" and that, when Hobson landed, the inhabitants withdrew "in a marked manner." A levée was, according to the same authority, "a complete failure." Captain Hobson was accompanied by Te Whero Whero, the great Waikato chief; by Mr. Halswell, the Commissioner of the New Zealand Company for the management of native reserves; by Mr. George Clarke, Chief Protector of the aborigines, and a few others.

Conscious of the worthlessness of some of their titles to land, the company's settlers did not attempt to conceal their dislike of Mr. Clarke and of his office. He was, said Mr. E. J. Wakefield, "always to be seen prowling about in the pahs, and holding much private talk with the discontented among the natives."

From the Maori village, Te Aro, Colonel Wakefield had earnestly but vainly striven to remove the inhabitants. After one conference with the Governor in presence of the Maoris, Colonel Wakefield declined to attend another, unless Mr. Clarke

were forbidden to be present. He preferred the alternative of a private arrangement with the discontented, but he failed to make it. Hobson was resolute in respecting Maori rights. He was willing to waive the pre-emptive rights of the Crown over the lands which the company alleged that they had bought, but neither insult nor cajolery could make him swerve from his decision that the company's purchases should be proved before the Commissioner of Land Claims. At the request of the Te Aro Maoris, he gave them an assurance in writing (through Clarke, the Protector) that British law would not permit them to be forced from their lands. Even the garbled account which Wakefield sent to the Directors in London makes one thrill with pleasure at the sight of the stricken man battling in favour of right against the wrong-doing of the company, supported as he believed it to be by an accomplice in the Secretary of State. There were no telegrams from Europe in those days, and Lord Stanley's recent accession to power was unknown to Hobson. Colonel Wakefield reported that Hobson "positively refused to look upon the native title as fairly extinguished by reason of the advantages secured to the aborigines by their reserved lands, and the introduction of civilization amongst them. This view . . . so inimical to the quiet progress of the company's settlements . . . has been taken in consequence of the treaty of Waitangi." Wakefield said that the Chief Justice powerfully aided him in discussing the subject; but the word of Wakefield will not bear contrast with that of William Martin which will be met with hereafter, nor with that of Octavius Hadfield which refutes Wakefield. Unwilling to allow innocent settlers to suffer from the position into which many of them had been inveigled, Hobson withheld a proclamation which he had prepared on the subject of titles, and sent to Colonel Wakefield a letter for publication. He waived in favour of the company the pre-emptive right of the Crown over lands at Wellington, Porirua, the Hutt, Manawatu, Taranaki, and Wanganui; promising a grant of such lands as had been "validly purchased from the natives." With this provision Wakefield was content. It excluded European claimants from Mr. Spain's examination, and Wakefield never doubted that his front of brass would overbear the savages whose marks he had procured on

his parchments, or their countrymen whom he had not consulted. With his formal letter Hobson sent a separate one intimating that in order to enable the company to fulfil its engagements with the public he would sanction any "equitable arrangements" Wakefield might make to induce natives residing within the blocks (over which Hobson waived the pre-emptive right) to "yield up possession of their habitations; but I beg you clearly to understand that no force or compulsory measures will be permitted." With characteristic subtlety Wakefield, when he quoted this note, omitted the limitations imposed by Hobson, who if he had been wise would have trusted Wakefield in nothing. If Lord J. Russell had not interfered with the sound arrangements of Gipps, Hobson knowing his duty would have done it. Aiming at compliance with Lord John Russell's directions, Hobson complicated matters in a manner which would have been impossible under Gipps. He speedily found that his confidence was abused. In November<sup>1</sup> he explained that his permission to "the company's agent to enter into any equitable arrangements for removing native claims, and by which the natives are guaranteed against possible expulsion, was communicated in a separate note, lest disaffected persons might induce them to make exorbitant or unreasonable demands;" and in a later despatch<sup>2</sup> (concerning Wanganui, where Wakefield's impositions were resisted) he said: "I promised to allow any defect in Colonel Wakefield's engagements to be corrected by after payments in order that the wishes of Her Majesty's Government (*i.e.* Lord John Russell) might with greater certainty be fulfilled, and that the settlers under the auspices of the company should not be exposed to disappointment. But I never pledged myself, as I have heard it has been asserted, to allow the purchase of any land by the company after the Proclamation (of Her Majesty's sovereignty) except to permit subsequent demands of the natives to be satisfied." Hobson's decision was in itself dangerously divergent from the judgment of Sir George Gipps communicated to the deputation from Wellington in 1840. When encumbered by the subsequent intrigues and misrepresentations of the company it was fruitful of injustice.

<sup>1</sup> Despatch No. 30, 13th November, 1841.

<sup>2</sup> 12th March, 1842, No. 8.

Wakefield informed his employers that Hobson's decision gave "great satisfaction" to the Wellington community. Hobson wrote (13th November, 1841), that "to divert mischievous consequences from collision between the settlers and the natives, he thought it right to pledge the Government to protect the aborigines in the possessions of their pāhs and cultivations unless it is proved that they have sold them."

Colonel Wakefield alleged that he had bought two pāhs which the Maoris pertinaciously "denied that they had sold." "The agent for the company, I suppose, calculating on getting possession either by bribery or by force, has, notwithstanding the native claims, included these pāhs in the disposable land, and has allowed them to be selected by purchasers. This very dubious step may involve the company in great embarrassment and litigation; as against any compulsion, the natives shall be amply protected by the Government, and they seem perfectly resolute in resisting all offers of compensation."

Hiko, whose signature Colonel Wakefield had boasted of obtaining in 1839, being examined before the Governor, the Chief Justice, Colonel Wakefield, the Rev. O. Hadfield, and others, denied that he had signed any deed of sale of Porirua. E. J. Wakefield asserted that he had. The ignorant Barrett, perhaps conscious that in the presence of the expert Maori scholar Hadfield deception would be difficult, admitted that Hiko's signature was "not obtained willingly," and Clarke, the Protector, skilled in the language, declared that the document signed was calculated to mislead the natives. Hiko was constant in denial of Wakefield's statements, and Hobson's mind was "left with the impression that he had not sold" the land. "Resistance is offered to the company in every quarter," . . . nor ought any decision to be come to until the case is fairly weighed and considered by the Commissioner."

Clarke, the Protector, reported that the Governor's temporary adjustment of the Te Aro dispute was, fortunately for the settlers, made at a moment of crisis. He told Hobson that it was "an improbability almost amounting to an impossibility that the natives could have sold themselves out of their possessions to the extent stated by the agent of the company. How can a transaction with them be valid without the consent not

only of the chiefs but of the occupants of the soil, who to the amount of thousands are still living upon the land claimed by the company, ignorant of or disbelieving the transaction, who tenaciously cling to the land of their fathers, and who will not leave it except by compulsion? The work which the New Zealand Company is said to have accomplished in a few weeks in their purchases would occupy several years' time of an agent well qualified to treat with the natives." What had been done was done in a blundering manner, and opposition made at the time by real owners had been slighted as uninfluential by Wakefield.<sup>1</sup> At Wanganui there was risk of collision between the company and chiefs who denied that they had sold land which Wakefield strove to allot to settlers. Only the good offices of the resident magistrate and the Rev. Mr. Hadfield had prevented violence.

It is a relief to find that Lord Stanley, unawed by the powerful friends of the company, unreservedly approved of Hobson's resolution to protect the Maoris in possession of homes which they had not sold.<sup>2</sup> The shadow of impending danger at Taranaki was already athwart the path of the Government. The voluntary migration of a portion of the Ngatiawa tribe to Waikanae, under Wiremu Kingi te Rangitake; and the subsequent victories of the Waikato tribe at Pukerangiora and elsewhere, have been told already. Hobson found Te Whero Whero prone to assert the Waikato rights of conquest at Taranaki. Illustrating his position, with regard to the remnant of the Ngatiawa abiding on the land, the chief placed a ruler on loose papers, saying to Clarke the Protector: "So long as I keep this weight here the papers are at rest; if I remove it they are scattered by the wind." When Clarke, by Hobson's desire, proposed to consult Colonel Wakefield, Te Whero Whero broke off all conference on the subject. Hobson reported that Te Whero Whero's claim was not a primary one, the received rule being that occupants must first be satisfied. He did not touch upon the far more serious claims of the large body of Ngatiawa who had migrated under Te Rangitake. And yet that chief's importance was thus described by Mr. Halswell, in

<sup>1</sup> Parliamentary Papers, 1848, vol. xlii.

<sup>2</sup> Despatch, 12th May, 1842.

1842: "E Witi is by far the most powerful and influential chief in the whole of Cook's Straits, and both sides of the Northern Island from East Cape and Waikato; he is a very excellent man. . . . Warepori set off some time ago to meet a party of Waikato people at Taranaki; on arriving at Waikanae he was stopped and sent back by E Witi."

Such was the status of E Witi, or Te Rangitake the son of Reretawangawanga, as described by the gentleman delegated by the company to act as Protector of the natives and Commissioner for the management of native reserves. Te Rangitake, by his acquisitions of territory in the south of the island, had not sustained any diminution of his rights in the land of his forefathers. No one ever ventured to assert that there was any doubt of the Maori law on this point, though many desired to infringe it. Whether, if Te Whero Whero had conquered and enslaved the whole of the Ngatiawa residents found on their territory, and had occupied it by cultivation, hunting, fishing, &c., his title would have become paramount, was a question which never arose; for after the invasion and the homeward return of the Waikato army there was always a remnant of the Ngatiawa enjoying the usufruct of the tribal lands, and maintaining their own and their kinsmen's rights.

Moreover, the Waikato enslavers, influenced by Christianity, openly and avowedly manumitted large numbers of their captives to enable them to return to their old homes. The Maori law was like the Roman law of *postliminium*: "Qui ab hostibus capti sunt, si reversi fuerint, omnia pristina jura recipiunt." Like the Roman, the Maori law took no care of the manner of the return: "Nihil interest quomodo captivus reversus est." All the returning Ngatiawa were invested with the fullest tribal rights. They could stand and speak with their enemy in the gates. The great Te Waharoa himself, the leader of many tribes, had been a slave in his youth at Rotorua.

No one acquainted with Maori law could doubt that to acquire land at the Waitara, the company had need to procure the assent of the manumitted Ngatiawa and of the great chief Te Rangitake and of his followers. Except in the absurd deeds prepared by Colonel Wakefield and Barrett on 25th October and 8th November, 1839, they never affected to do

so. The former of these pretended to buy rights at Waitara from Rauparaha who never claimed any there; and the latter pretended to convey from Te Rangitake enormous territories in the Middle Island over which he asserted no control. Wakefield's agent had bargained for the goodwill of some Waikato people in 1840, when the signatures of a few men, women, and children were procured at Taranaki, but if that agent imagined that he or they could set aside Te Rangitake's rights, he had resided among Maoris and obtained a smattering of their language to little purpose. Moreover, Rangitake never concealed his intention to return to the Waitara. He spoke of it openly and often, and the Rev. Mr. Hadfield stated in evidence before a Select Committee that he heard him do so in 1839. As the great war wantonly made in 1860 hinged upon the worthless acts of Colonel Wakefield, and the covetous glances cast upon the Waitara by settlers whom Lord Russell's weakness aided Wakefield in thrusting upon Taranaki in defiance of the prudence and firmness of Gipps, it is well to state clearly the course which successive Governors adopted on the subject.

After much negotiation Hobson (31 January, 1842) induced Te Whero Whero and his brother Te Kati to receive "on behalf of the tribes of Waikato for their interest in the lands £150 in money, two horses, two saddles, two bridles, and one hundred red blankets." Hobson had previously told Lord John Russell that the compensation accepted by Te Whero Whero was "for the claims of his tribe."<sup>1</sup> If any person will trace the described lands on the map, he will see that no sane man could presume that their value was intended to be represented by the articles

<sup>1</sup> Despatch No. 29, 13th November, 1841. Te Whero Whero deeply distrusted Colonel Wakefield. Hobson wrote (15th December, 1841), that on his proposal to refer the Waikato claims to Wakefield, Te Whero Whero broke off all colloquy—"Where he has gone or what his intentions are I do not yet know." Hobson narrated a conversation between himself and Wakefield, who contended that "the stragglers on the land . . . from whom he purchased are the only parties to be dealt with. . . . Even Colonel Wakefield admits that the fifty or sixty families who returned to their homes at Taranaki, lived in constant dread of their powerful neighbours, and it cannot for a moment be supposed that this miserable remnant of a large tribe could possess the exclusive power of disposing of this wide tract of country now claimed for the company" (Despatch No. 8, 12th March, 1842).



given. "The northern boundary is at Tongaporutu, the western is along the seashore between Tongaporutu and Waitotara, the southern is from Waitotara inland by Piraunui."

When in after years Englishmen ventured to tell some Maori chiefs that the sale of the Waikato "interests" would bar the claims of Te Rangitake, the unanimous answer was that they could not, and amongst those who thus answered was Te Whero Whero. Before Hobson left Wellington he appointed the company's officer, Halswell, Chairman of Quarter Sessions, Commissioner of Court of Requests, and Local Protector of Natives. In his general report of his proceedings at Wellington (20th October, 1841), Hobson stated that from the largest and most influential body of the colonists he received "cordial support," in spite of the "ferment excited by a venal press, and a few discontented spirits;" that he had selected Mr. Earp (who had in May taken a violent part at a public meeting which demanded Hobson's removal) as a member of the Legislative Council, and that the settlers had found that their local requirements were anticipated by the provisions he had made. The native chiefs expressed confidence in the Government, "but they all demanded protection from the encroachments of the company, who, they asserted, had most unscrupulously appropriated their lands."

Lord Stanley in due time (24th June, 1842), approved generally his proceedings, and said: "In your transactions with the company you may rely at all times on my firm and full support of your authority as Governor against any exaggerated pretensions on the part of the company or its agents." At the same time he was to treat them and their settlers "with the utmost consideration and courtesy."

Some of the settlers at Wellington continued their assaults upon the Governor. In November, 1841, he transmitted a memorial from them to Her Majesty. The birth of the Princess Royal was made the nominal subject of an address of congratulation to the Queen, but its burden was the condition of Wellington. Either the Governor should be instructed to reside there, or "ample powers of legislation and administration" should be granted to the settlers. Soon after promising to support Hobson against exaggerated pretensions (a promise which Hobson did not live to read), Lord Stanley carried through

Parliament a bill to regulate the sale of Crown Land in the Australian Colonies. It embraced New Zealand; and, in transmitting it, Lord Stanley showed that he knew how carefully the proceedings of the company's agents ought to be watched.

One moiety of the land fund was (after deducting survey expenses from the whole) to be devoted to immigration in New Zealand, as elsewhere. Fifteen per cent. of the other moiety Hobson was to apply as he might judge fit for the benefit, civilization, and protection of the Maoris. Certain expenditure on roads and bridges, required to open a way for fresh settlement, was authorized in New Zealand as in Australia. In the latter the Governors were instructed to lay before their legislatures periodical and detailed accounts of such expenditure, and after making adequate provision for it to "pay to the general account of the colony" any surplus remaining. An exception was made with regard to New Zealand.<sup>1</sup> The advances made to the new colony by the Government in Sydney, the bills drawn by Hobson on England, the want of information as to financial prospects, and the probable condition of the land fund, induced Lord Stanley to decline "at present to place any residue of the land fund at the disposal of the local government."

Hobson did not live to fret about the matter. He died a few days before the despatch was written. Some of his proceedings were disapproved by Lord Stanley. It will be remembered that Sir G. Gipps declined to sanction a transaction by which Mr. Clendon was to receive a high rent for eighteen months, and thirty acres for each acre surrendered by Clendon at the Bay of Islands. Hobson afterwards completed the arrangement. Lord Stanley told him (January, 1842), that "had the transaction been of a recent date, and had it been possible to communicate a decision within a limited time, I should even in the present state of the case have directed the disallowance of the agreement; but looking to the irregularities which have characterized the whole settlement of New Zealand, and to the necessity under which you are placed of taking care that the most advantageous sites are not monopolized by powerful private land companies, . . and that a disallowance now would probably lead to much confusion and difficulty, Her Majesty's Government

<sup>1</sup> Parliamentary Papers, 1843, vol. xxxiv. Despatch, 15th September, 1842.

will not withhold their sanction"—subject to regulations by which Mr. Clendon was barred from choosing town or suburban allotments. He added: "You will understand that you are positively prohibited in future, under any circumstances, from purchasing land from any individuals without the previous sanction of Her Majesty's Government. In the present case the previous disallowance by the Governor of New South Wales very much increases the responsibility which you have taken on yourself."

Hobson pathetically urged that Mr. Busby, the former British Resident, had demanded more than £20,000 for the land he claimed at the Bay of Islands, and that before his arrangement was made, Mr. Clendon had actually commenced selling his land in town allotments. His surveyor-general had pronounced Mr. Clendon's land to be the most eligible site. Yet Hobson must have had some glimmering of the absurdity of making the Government pay largely for land, the title to which only itself could confer, and which a speculator like Clendon<sup>1</sup> had procured for a nominal price. Having dealt with his difficulties at Wellington, Hobson returned to Auckland, where William Swainson had superseded a temporary Attorney-General, and William Martin had been installed as Chief Justice. It is not easy to exaggerate the service which Lord John Russell rendered to New Zealand by appointing them, and it was not their fault that by rejection of their sound advice the colonists proved themselves unworthy of the boon conferred upon them.<sup>2</sup> On their voyage the two friends devoted them-

<sup>1</sup> Clendon was afterwards made a Legislative Councillor by Hobson.

<sup>2</sup> Mr. Martin became Sir William. A gold medallist at Cambridge, a Fellow of St. John's, beloved by all who knew him, he contended through life against a frail constitution; and his labours in the law, in the Church (for which he assisted Bishop Selwyn in framing a scheme of government), and for the Maoris, were such as might shame the robust. He was the venerated friend of Patteson, the Melanesian bishop and martyr. He died at Torquay, in England, in 1880, in his seventy-fourth year. He pursued his literary studies to the last. Three days before his death he said: "Do you think I am now free from all responsibility of work? My civil work is done; my ecclesiastical work is done; and now I leave it in God's hands. I pray for the Church of England, and I embrace all Christians in the bonds of Catholic unity." Thus, when stricken by mortal disease, he died as he had lived,—a pattern to all men. He was remarkable

selves to the preparation of an "outline of a legal system adapted to the condition of an infant colony." Their tastes and sense of duty were congenial: their powers of no common order. Their work nobly reflected their zeal. Swainson in the Legislative Council passed measure after measure (between December, 1841, and April, 1842), adapted to excite admiration, if not envy, in the hearts of law-reformers in other lands.

Common law and equity were blended in the Supreme Court. A system of procedure was initiated by which suitors, whether appealing to civil, criminal, or testamentary jurisdiction, obtained redress without recourse to different channels. The transfer of real property was simplified; and the way was left open for the maintenance of the safeguards of the great charter, that no man should be convicted except on the verdicts of twenty-four of his countrymen in the grand and petty juries of the land.<sup>1</sup>

Hobson was able to report at the close of the session in which Swainson aided by Martin did such heroic work, that Ordinances had been passed:—to establish a Supreme Court and County Courts; for the constitution of Juries (for which all resident freeholders were qualified); for regulating the practice of petty sessions; for establishing municipalities; for promoting religion; for regulating postage; for registration of deeds and instruments affecting real property; for facilitating the transfer of real property; to render certain marriages valid; for regulating the sale

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for his modesty and gentleness, but, as will be seen in future pages, showed firmness when his own duty or the rights of others demanded it. It was recorded that when he left New Zealand he "was without an equal in general scholarship and knowledge of languages ancient and modern." The happy philologist, Bishop Patteson, revelled in his converse with Martin, who, to the classic lore acquired at Cambridge, had added researches in Hebrew, Arabic, Polynesian, and Melanesian languages.

<sup>1</sup> To meet pressing exigency it was enacted that an indictment signed by the Attorney-General should be as valid as if it had been presented by a grand jury. The materials for forming juries were not then plentiful. But the temporary expedient, though it obscured, was not allowed to extinguish, the Great Charter as it was extinguished in Australia. After a brief space the early Ordinance was repealed by another in 1844, which did not allow the Attorney-General to stand in the place of a grand jury, and that institution being deemed a part of the law of England applicable to the colony, became the birthright of the colonists, and has not as yet been bartered away to gratify the spleen or pander to the departmental convenience of the Attorney-General of the day.

of liquors; for licensing auctioneers; for accommodating<sup>1</sup> the Land Claims Commission Act to the terms made by Lord Russell with the New Zealand Company and other purposes; for regulation of harbours; for summary recovery of compensation for trespass by cattle; for imposing a tax upon raupo (rush) houses; to secure copyright in books; and—because fitting provision had been made locally—to repeal the Ordinance of the previous session which gave force in New Zealand to the laws of New South Wales.

The language of these Ordinances shows the spirit which actuated their framers. The preamble of the one for building churches and chapels and maintaining ministers of religion declared that—"Whereas for the promotion of good morals within the colony it is desirable to encourage the building of churches and chapels, and to provide for the maintenance of ministers of the Christian religion. Be it enacted," &c.

The Supreme Court Ordinance cast upon every sheriff all the "duties and responsibilities," and gave him all the "powers and privileges," of sheriffs in England. Thus, when the temporary investment of the Attorney-General, with power to indict, was not renewed by the Ordinance of 1844, the rights of the colonists were at once surrounded with the panoply which guarded those of Englishmen. There were only twenty-five clauses in the Supreme Court Ordinance, but they were so concise and cogent as to provide for the creation and constitution and practice of the Court, and to regulate the function of sheriffs, barristers, and solicitors. Barristers and solicitors were enabled to practise in common for five years, unless otherwise ordered by the Court, and it was never otherwise ordered. The experiment having been supposed to have succeeded, practice has remained open to both branches of the legal profession to this day. The preamble to the Municipal Ordinance declared that whereas it was needful to provide for good order, health, &c., "and the inhabitants themselves are best qualified, as well by their

<sup>1</sup> This Ordinance was disallowed in England. Hobson had extended Lord J. Russell's concessions to the company to all other claimants. Lord Stanley (19th December, 1842), in a long despatch pointed out that such a provision was repugnant to the Governor's Instructions, and injurious. The disallowance of the new Ordinance left the original Ordinance of 1841 in force.

more intimate knowledge of local affairs as by their more direct interest therein, effectually to provide for the same; and whereas the habit of self-government in such cases hath been found to keep alive a spirit of self-reliance and a respect for the law, and to prepare men for the due exercise of other political privileges, Be it enacted," &c.

The Ordinance guarded against abuse of votes by the careless or thriftless by enacting that—"Whereas there may be persons interested in the good government of a borough, and qualified to have a voice therein, but who may not have property rateable under this Ordinance, and it is not fitting that any man should have (directly or indirectly) any power of taxing the inhabitants of any borough, or any share in the management of the funds thereof, who shall not himself contribute thereto." A person claiming to be put on the roll should pay twenty shillings, which sum was to be afterwards accounted for to him with regard to any rate assessed upon him. The notion that a man's freedom is infringed because he is not enabled to prey upon the industry of others found no favour with the jurists of Auckland.

An Unsworn Testimony Ordinance permitted Maoris and Polynesians, who by reason of defective religious knowledge were by law incompetent to give evidence, to give evidence on affirming their desire to speak the truth. This simple act of justice was never done in Australia. Its proposal was bitterly contended against by Mr. Robert Lowe, afterwards Lord Sherbrooke.

Financial troubles weighed upon the sailor Governor. His treasury was worse than empty. Like Julius Cæsar, he required a large sum in order to owe nothing. The system of selection at a fixed price at the company's settlements militated against sales by auction at Auckland. For advances from New South Wales, New Zealand owed about £44,000; and Sir George Gipps, while responsible for New Zealand, had drawn bills on the Treasury in England to relieve the New South Wales funds, then heavily encumbered with unconditional promises on account of immigration. The Lords of the Treasury reluctantly authorized the bills, assigning as a reason the fact that Gipps had not been apprised of their intention to make the New Zealand Government repay the advances. Hobson was directed to lose no time

in liquidating the debt, which was transferred to the English Treasury. But his exchequer could not meet local demands. In 1841 his expenditure exceeded £80,000, while his revenue barely exceeded £37,000, of which £28,000 had accrued from land, and £6407 from customs duties. Holders of goods were as impecunious as the Government. Hobson reported that he was of necessity compelled to relieve the colonists from the Act (of New South Wales), which "obliged the holders of spirits to pay duties on their stock then on hand, but with which they were utterly unable to comply."

At Auckland, in February, 1842, the Maoris saw trial by jury brought to bear upon a native. Maketu, a well-connected Maori lad, enraged at an insult from a man-servant of Mrs. Roberton, brained the offender, and savagely slew Mrs. Roberton, her two children, and a half-caste child. He then set fire to the homestead, took a canoe, paddled to his father's village, and told what he had done. The murders were committed in November, 1841. The flames were seen from Kororarika. The dead bodies were discovered. Accompanied by Maoris some of the inhabitants went to the spot with the coroner. "In the course of the examination one of the jurors requested a postponement, as he had received secret intelligence from a native chief likely to . . . disclose who was the perpetrator. Accordingly, on the next morning, very early, a large party again proceeded to the island, and then the natives pointed out the man who was apprehended on suspicion, but owing to the threats of the natives was not secured until his father came forward and gave him up. The adjourned inquest took place at Kororarika."

Such was Hobson's narrative.<sup>1</sup> He could not account for the surrender of Maketu by his father, unless from fear of Rewa, the Ngapuhi chief, grandfather of the murdered Maori child. Without doubt that fear was the moving cause, but it was aided by the earnest efforts of the Rev. Henry Williams. Even after the surrender of the criminal (one of the dissolute always associated with disreputable white men at Kororarika) meetings were held by the natives to decide whether their countrymen should be permitted to be tried by Pakeha law.

Hēkē was absent when Maketu was surrendered, and was

<sup>1</sup> Despatch 41 ; 16th December, 1841.



furious at a large meeting held subsequently at Paihia, at the instigation of Waka Nene. The authority of the principal chiefs, Waka Nene, Pomare, Rewa, and others, prevailed, and a memorial was signed, expressing loyalty to the Queen, denouncing the murderer, and leaving the trial of the offender to the law. But there was apprehension lest the wilder spirits of the tribe should break out. Maketu was confined at Auckland until his trial, which the Maoris deemed superfluous inasmuch as he confessed his crime.

One Leathard, a British subject, was arraigned at the Auckland assize for feloniously shooting at a Maori. Mr. Swainson took his case first: the jury found him guilty of a "common assault," and he was sentenced to two years' imprisonment with hard labour. His relatives in England petitioned on his behalf. Lord Stanley left the matter to the Governor's judgment, and Hobson commuted the sentence to one year.

The condition of New Zealand may be inferred from the fact that the acting Governor wrote, in 1843, that such offences as Leathard's had been common, and that the example of his punishment "had the effect of stopping these practices," by convincing Europeans that equal justice would be afforded to both races. When Maketu was placed at the bar (1st March), the eager eyes of a crowd of Maoris and Pakehas were bent on the proceedings. The former wondered at the grave process of proving a confessed crime, and at the solemn demeanour of the Judge. They and the prisoner himself admitted the justice of his sentence, but declaimed against the cruelty of keeping him alive after condemnation. Before his trial he had written inflammatory letters to his friends, but the Governor wrote that afterwards he "fully admitted the justice of his sentence," and, attended assiduously by a clergyman "to the latest moment," "died a perfect penitent" in peace. He was hanged on the 7th March, and buried in the gaol. After many months, his father, Rūhē, begged for the body, and bore the carefully-scraped bones to the burial-place of his ancestry. Rūhē composed a lamentation for his child:

"Lost when his name was scarcely known.  
My son, I may never forget thee,  
Far, far from hence thou art gone:

The deep springs of a father's love gush forth :  
My mind is bewildered, as caught by a storm," &c. &c.

When Chief Justice Martin travelled, the Maoris looked with fixed gaze at the delegated voice of law : but Rūhē bore him no malice, and was among the first to greet him when he visited the Bay of Islands.

Although Hobson avoided giving official umbrage with regard to land in the north where Mr. Clarke negotiated with the Maoris, private quarrels occurred. Intrusion on tapu-ed grounds led to attacks upon the property of settlers at Kaipara, and the harassed Governor sent Clarke to labour for peace. He proclaimed the Queen's just intentions, but it was difficult to allay suspicion or stifle revengeful feeling.

It is worthy of remark that (June, 1842), Lord Stanley foresaw the desirability of relieving the Protector of the Maoris of the task of trafficking for their lands. He considered it "inconsistent with the character he fills." One of Hobson's despatches shows that many of the vilest Europeans (perhaps disgusted at the setting up of lawful authority in New Zealand) transferred their loathsome habits to the Chatham Islands, which became the "resort of the most abandoned characters in this part of the world, and have become the scene of every revolting atrocity and violence that has ever disgraced human nature." More naval force was asked for. Lord Stanley took occasion (1842) when correcting the misdescription of New Zealand in the previous Letters Patent, to include the Chatham Islands, and the resident ruffians found themselves again within reach of the law.

The arrival of the Commissioner, Spain, appointed by Lord John Russell, and eagerly looked for by Maori and Pakeha, was delayed by the shipwreck of himself and a Surveyor-General, Ligar and others, at the Cape of Good Hope. Governor Sir G. Napier, conceiving that the services of such functionaries were important, took the responsibility of chartering for them the 'Antilla,' in which Spain arrived at Wellington on the 24th December, 1841. Thence he proceeded to Auckland, where his prolonged stay excited the jealousy of some of the company's people.

Colonel Wakefield's friends had asserted that Hobson's con-

cession—that compensation might be paid by the company in order to complete doubtful titles—enabled Wakefield to make fresh purchases, and Hobson felt compelled to contradict such assertions when he informed Lord Stanley in March, 1842, that Spain was about to proceed to Wellington.

It will be unnecessary to follow Hobson's proceedings further. Worn by disease, but struggling gallantly to do his duty, he awaited the result of the machinations of the company, at home and abroad, to bring about his ruin. In June we find him replying successfully to the charges of showing favour in the appointment of Shortland as Colonial Secretary. Hobson was "in treaty with Mr. Harington, late Under-Secretary of New South Wales, to fill the office," when Shortland, who was holding it temporarily, was "unexpectedly confirmed" in it by Lord John Russell. With such gross accusations did Hobson's enemies assail him. On the 10th September, 1842, honoured by all loyal hearts in New Zealand, he died from a stroke of paralysis.

An early commentator<sup>1</sup> on New Zealand story, Swainson the Attorney-General, after deploring the fact that the harassed Hobson died a few weeks before the arrival of Lord Stanley's assurance that he might rely on support in withstanding the "exaggerated pretensions" of the company, added that the sick man laboured honestly to do his duty, and that if the Maori race should escape the usual consequence of contact with European civilization they would "owe something to the inflexible sense of justice of their first Governor." Such was the verdict of the able and upright Swainson, than whom no man was better qualified to judge.

A Maori chief of note thus recorded his opinion in a letter to the Queen: "Mother Victoria,—My subject is a Governor for us the Maoris, and for the Pakeha in this island. Let him be a good man. Look out for a good man, a man of judgment. Let not a troubler come here. Let not a boy come here, or one puffed up. Let him be a good man, as the Governor who has just died."

<sup>1</sup> 'New Zealand and its Colonization' (by William Swainson). London, 1859.

## CHAPTER VI.

## SPAIN'S COURT.

WHEN Spain arrived "he supposed he could hear claims in Auckland by the ordinary process of summoning before him claimants and witnesses from all parts of the colony. But this notion is already dissipated."<sup>1</sup> It was needful to inquire carefully upon the spot.

On the 22nd of April, 1842, Spain returned to Wellington accompanied by Mr. George Clarke, junior, son of the Protector of the Aborigines. Again the settlers grumbled at the son for "prowling about" among the Maoris as his father had done. "He resembled" (Mr. E. Jerningham Wakefield said) "a sulky Maori boy rather than even a white Government officer." Mr. Spain's Court was opened on the 16th May, and he gave offence to Colonel Wakefield by requiring proof that the signers of his bargains for land "had a right" to convey the land claimed. Mr. E. J. Wakefield sneered at such a demand as ridiculous.

The Maoris showed more inclination than the company to respect the Queen's representative. Before Mr. Spain's arrival there might have been bloodshed but for their confidence in their cause and in the justice of the Commissioner. They were at peace with Englishmen everywhere. A solitary white man could then travel from tribe to tribe amidst hospitable welcomes. But they were suspicious about designs on their land. At Taupo the great chief Te Heu Heu told Mr. E. J. Wakefield, who was one of the travellers through Maori land, that he had not sold and would not part with his land or chieftainship

<sup>1</sup> Despatch. Governor Hobson, No. 21 ; 26th March, 1842.

"We will welcome you as visitors, but we will not part with the land, sacred to the ashes of our fathers."

This feeling Mr. E. J. Wakefield could flippantly make light of, not only in his published work, but in his recorded conversations with important chiefs. Early in 1843 (he declares that)<sup>1</sup> he told Rauparaha that in time the Pakeha would cover the land, and jestingly asked why he did not stop ships in Cook's Straits with a canoe. When Rauparaha scornfully refused to go to Wellington to consult with Colonel Wakefield, Mr. Wakefield retorted, "The white men will creep on and get their right at last." "I remember being struck with the hyena-like scream with which he said, 'Then we will fight about it.' I still laughed at his obstinacy. . . . He said, 'It must be one for one, till either the Maori or the Pakeha is exhausted.'"

The tragedy afterwards enacted at Wairau might well scorch into Mr. Wakefield's remembrance his ill-timed raillery. But he was not the only offender. Various acts of intrusion irritated the Maori mind. The settlers were not so willing as the Maoris to wait for Mr. Spain's decision. The latter, finding that the Provisional Government of Wakefield had been set aside by Hobson without difficulty, were by no means inclined to obey Wakefield's behests. When they had first seen him with a cargo of gifts, they formed exaggerated notions of his importance, and were inclined to believe him. They soon resented his exorbitant claims based upon transactions which neither party had understood, and about which he did not tell the truth. Finding that he had a superior in New Zealand they resolved to resist—but without open warfare—what they called his unrighteous claims. They would respect, they said, the agreements they had understood. If a white man built a hut on land to which the title was disputed, the Maoris pulled down the hut, carefully abstaining from destroying the materials. They told Wakefield they would continue to do so. He must abandon his claims or complete his titles properly.

Rangihaeata had in April, 1841, proved how the company would be resisted if they presumed to enter upon disputed lands. He pulled down the surveyor's hut at Porirua. Every morning the surveyor found that his "station posts had been

<sup>1</sup> 'Adventure in New Zealand.' E. J. Wakefield. Vol. ii. p. 335.

removed by the natives." The surveyor told a Committee of the House of Commons that Rangihacata only wanted "more payment;" but Murphy, the police magistrate, officially reported at the time that Rangihacata denied any sale of the land; "he wished it for his children, and would maintain his right, but acknowledged himself a British subject." The magistrate, having no official knowledge that the land belonged to the company, did not interfere. In April, 1842, the company again endeavoured to occupy the land, and Rangihacata with fifty men pulled down the houses, declaring that he had never sold the land. A meeting was called in Wellington, which the police magistrate did not attend. The "willingness of the entire population to assist the sheriff" was declared, and the police magistrate was unsuccessfully applied to, by the agent for the land, for "a capias to arrest the chief."

Mr. Halowell, Commissioner for management of the native reserves on the company's settlement, pacified the natives; but when building operations were resumed in June, Rangihacata again removed, without appropriating, the materials. The magistrate wrote to Hobson: "Until Mr. Spain decides upon the claims, I would not interfere to prevent any natives keeping possession of lands which they state they have not sold," and Hobson approved his determination. The chagrin of Colonel Wakefield at being thus checked by the lieutenant of the "old savage," whose rights and reign he had hoped to extinguish with a high hand, was hardly concealed; and though the protectors of the aborigines were unanimous in bearing testimony to the treaty-respecting demeanour of the natives, collisions between the two races were dreaded.

Spain, writing to Hobson in 1842, declared that the aborigines at Wellington had "upon many occasions when deprived of their cultivations shown the greatest forbearance, and I very much doubt whether their white brethren would follow their example if placed in precisely similar circumstances. The cause of quarrel is generally the disputed title to land, and I am not aware of any cases of outrage committed by the natives upon Europeans or of even any misunderstanding between the two races upon any other point."

Acting Governor Shortland wrote, Sept. 1842, that Spain

reported that the "natives generally hailed his arrival with delight as a means of terminating their disputes, and expressed their belief that the Queen and the Government will do them justice."

Clarke, one of the protectors, in the same year found the Cloudy Bay natives much excited "by the desecration of their burying-grounds, which were broken into by whaling parties and ransacked for the sake of the green-stone and other treasure." The body of Rauparaha's brother was exhumed in this brutal manner, and Clarke promised to lay the matter before the Government. "I could not but be surprised," he wrote to Hobson, "that the natives should so quietly refer the matter to the Government."<sup>1</sup> Their wrath was suppressed for a time, but it was in the Cloudy Bay district that it was soon to break out in an appalling manner.

The enemies of Rangihaeata were not satisfied with Mr. Murphy's refusal to seize him. Chief Justice Martin was at Wellington in October, 1842. He was applied to for a bench-warrant to arrest the chief. He reserved judgment, declining to issue a warrant, partly because the application was *ex parte*, and argument was requisite before judgment on so grave a matter, and partly on a technical ground connected with the Police Magistrate's Ordinance under which a magistrate's warrant had been refused. He gave his final judgment early in 1843, and refused the warrant, to the great dissatisfaction of those who longed to lodge Rangihaeata in prison and thus subject him to the taunt, so odious to a Maori, of having suffered as a slave.

Another event, in which it was impossible to prove their complicity, cast a darker shade on the Maoris. The death of the chief whom the Maoris thought to have been killed by a Pakeha at Wellington, just before Hobson's arrival in August, 1841, was mysteriously followed by the death of a settler who was found dead in January, 1842, with fractured skull, on the Petone road. Halswell thought the murder was in revenge for the supposed murder of the Maori.

Mr. Spain's proceedings were resisted at the threshold by the company in England and at the antipodes. Colonel Wakefield

<sup>1</sup> Parliamentary Papers, 1844, vol. xiii. p. 124.



protested against any probing of the validity of his alleged purchases. Mr. Somes, the governor of the company, denounced as preposterous any inquiry as to the validity of titles derived from the "aboriginal inhabitants." A highwayman, by such a process, might allege as irrefragable a recognition by a third person of his possession of property which the third person had no means at the time of knowing to have been stolen. How such assumptions would have fared when put before Lord John Russell may be questionable. Before the heroic mind of him who rendered the 'Iliad' into worthy English they fell without force. Before Mr. Spain they were loyally tested, by his instructions, by the treaty of Waitangi, and by the approval in England of Hobson's proceedings.

The guarantee to the company of the site of Wellington and the shores of Port Nicholson was, according to Mr. Spain, subject to proof of extinction of the Maori title,<sup>1</sup> and the reserve of the native pāhs, cultivations, and burying-grounds. Confident in the strength of an association which had been backed by the authority of Lord Durham and the genius of Gibbon Wakefield, Colonel Wakefield did not at first protest against Spain's jurisdiction, but submitted six purchase-deeds of Port Nicholson, Nelson, Taranaki,<sup>2</sup> Wanganui,<sup>2</sup> Porirua, and Manawatu.

It was only when called upon to produce further evidence than that of the chief Te Puni that Colonel Wakefield demurred to inquiry which might reveal the existence of rights which he had not purchased.<sup>3</sup> Petone, where the settlers first established themselves, was duly sold to them by Puni and his friends. At Wellington there were rights not within his control, and Wakefield well knew the fact. Spain told him plainly that to ask the "Government for a Crown grant of land, whether the native title was extinct or not, was calling upon them to do that which was totally out of their power, as the Crown could not grant what the Crown did not possess."

<sup>1</sup> Spain to Hobson, 22nd June, 1842. Parliamentary Papers, 1844. Appendix, p. 292-3.

<sup>2</sup> These places were then called New Plymouth and Petre, but it is convenient to adhere to the names which have clung permanently to them.

<sup>3</sup> Parliamentary Papers, 1844, p. 295.

Spain at once discovered that although chiefs were always consulted and their consent was necessary, nevertheless there was a tribal right conferring usufruct equivalent to individual ownership which could not be alienated without the acquiescence of the individual owner or occupier, as well as of the tribe. Contempt of this fact led Colonel Wakefield to commit the company to a settlement where such rights abounded. It was plain that if a final report on the Port Nicholson claims should be made in 1842, it would necessarily be unfavourable to the company, and that their settlers would be confined to a very limited area.

Spain felt the difficulty of the position in which so many hundreds of his countrymen were placed, and, after protracted sittings, during which Dr. Evans abandoned the conduct of the company's case, and Colonel Wakefield successively undertook and abandoned it also (while at the same time the repulsion of intruding settlers at Porirua and Taranaki caused anxiety), Colonel Wakefield proposed, and Mr. Spain agreed, to recommend to the Governor that the unsatisfied claims of natives should be held over for a final award by Mr. Spain himself, aided by Mr. Halswell, the Protector of the aborigines, after thorough investigation. Wakefield and Spain jointly consulted with the Government at Auckland in November, 1842.

The Acting Governor, Shortland, renewed the permission granted to the company by Hobson to satisfy by "further payments those natives who, not having been parties to Wakefield's purchases, might refuse to vacate their lands,"<sup>1</sup> and was in 1843 personally assured by chiefs in Wellington that they were satisfied with his arrangement to meet such of their demands as Clarke, the Protector, might deem just. It was not until January, 1843, that it was decided that the arbitration contemplated by Wakefield and Spain should take place. Mr. George Clarke, junior (son of the Protector), and an agent of the company were to arbitrate, and Spain was to be umpire in case of disagreement.

Colonel Wakefield's own words convict him of assiduously striving to evade justice. On the 30th May, 1842, he made an urgent appeal to England against Spain's proceedings. He had

<sup>1</sup> Shortland, 17th April, 1843, describing events of 1842.

imagined that Lord Russell's agreement had exempted his transactions from the rule proclaimed by Gipps and embodied in an Act. He was "not forgetful at the same time of the assumption in the agreement that the lands had been 'purchased' from the natives, and of some passages implying a proposed investigation into the titles. Still less could I put out of sight the mischievous treaty of Waitangi, made by Captain Hobson at the instance of the missionaries.<sup>1</sup> I was not therefore surprised to learn from Mr. Spain . . . that he was here to investigate the titles derived from the natives. I supposed that the incompatibility was to be got over by the inquiry into the company's titles being little more than a matter of form . . . I certainly had no conception that any tedious proceedings were contemplated, or that a searching inquiry, managed with all the niceties of rules of law and evidence, was to take place. . . . The impolicy of these proceedings will be at once apparent. . . . The injustice to the company is not less striking. . . . I press these points the more from entertaining a conscientious conviction that the bargains I made with the natives were conducted in a spirit of justice and openness unexampled. . . . I shall not fail to urge upon Mr. Spain the mischievous consequences of a protracted examination of the natives."

Any examination, which was not a mere matter of form, was sure to be disastrous to Wakefield's claims; but, in justice to Lord Russell, it is fair to state that in no letter either to the company, to Hobson, or to Gipps, did he imply that he would tolerate so vile a suggestion as that of Colonel Wakefield; or countenance a departure from Lord Normanby's original announcement that all titles whatsoever would be examined by a Commission.

Soon afterwards there sped over the sea a declaration that justice would be done. The company had taken up their agent's nefarious position. They told Lord Stanley that Spain

<sup>1</sup> But the general nature of the treaty had been enforced by Lord Normanby's original instructions, and in the Proclamation prepared by Gipps, long before Hobson consulted the missionaries. The Queen had caused it to be declared in August, 1839, that she would not recognize as valid any titles not derived from or confirmed by herself. At that date Wakefield had made no pretended bargain.

misapprehended their titles in thinking that the agreement made by Lord John Russell had not set them at rest. Every needful consummation had been obtained by Pennington's award in London. "It was difficult," wrote the prompted Somes, "to conceive how the Commissioner could have imagined that the title thus derived from an agreement with the Crown could, in any respect, be regarded as coming within the scope of an inquiry into the validity of titles derived from the aboriginal inhabitants." He had the audacity to ask Lord Stanley to direct the Governor to issue a grant in compliance with Pennington's award, "without reference to those proceedings of Mr. Commissioner Spain, which have already been productive of so much gratuitous evil."

Lord Stanley replied that he could give no decision with regard to Spain's proceedings without hearing Spain's statements. To the proposition that the Maori titles were to be considered extinguished without inquiry he could not accede. He could not admit that such an inference could be drawn from any arrangements between the Government and the company, and it was utterly repugnant to Lord Normanby's original instructions and to the rights "confirmed and guaranteed" by the treaty of Waitangi. As the subject was important he was willing to receive the Directors if they should "wish to explain their views more fully than could conveniently be done in writing,"

Mr. Somes replied that "within the *four corners* of the agreement the Directors find no simple phrase leading us in the remotest way to imagine that the fulfilment of the grant promised to us on the part of Her Majesty was to be dependent in any manner or degree upon the company's antecedent purchases from the natives." The Government would have to settle with the natives; the company looked to the Government to fulfil the agreement, and did not "venture to interfere with the mode in which Her Majesty's Government may enable itself, with justice to third parties, to fulfil its equitable contract with the company." In brief, it was asked that Colonel Wakefield's nefarious pretended purchases with fire-arms were, without inquiry, to be made good at the cost of the blood, treasure, and honour of England. The Maoris with whom he had dealt were brushed aside as third parties, with whom he had nothing to

do. The Directors had an interview with Lord Stanley, and, by his desire, furnished a written statement of the grounds of their protest against Spain's proceedings. They averred little more than before. The agreement decided "everything but the *amount* of the grant." Pennington's "sole and final decision" was all that could follow.

The company's claim was exempt from Spain's inquiries. Unless the natives were recognized as having interests "never yet recognized by any Christian nation as possessed by savages," they were not entitled to consideration except as regarded the small patches of land in "actual occupation." As to those, the Directors were persuaded that they were "capable of the easiest arrangement." If the hereditary claims of the Maoris were to be viewed as "co-extensive with our own, an inquiry into these would put our title to our whole property again at issue, and the agreement and award would be mere nullities." But the Directors were "happy to find" that no such aboriginal rights could be maintained. Lord Stanley received with "extreme astonishment" an intimation that because Lord Normanby's announcement of the Queen's commands in August, 1839, was not referred to in the agreement, those commands were not applicable to the company's dealings with Maoris.

Lord Normanby's letter was laid before Parliament in the session preceding the date of the agreement. Lord Stanley could "not allow the company to plead ignorance of such a document, or permit them to assume that in entering into the arrangement with them Her Majesty could contemplate deliberately violating the faith which she had publicly pledged to the natives, in conveying to the company rights which, on the part of the Crown, she had solemnly disclaimed. . . . Lord Stanley cannot now permit it to be maintained either that the natives had no proprietary rights, in the face of the company's declaration that they had purchased those very rights, or that it is the duty of the Crown either to extinguish those rights or to set them aside in favour of the company." As to Mr. Pennington's award, it was merely that of an accountant instructed to ascertain the money expended by the company, and the proportion of land to which that expenditure entitled them. "That gentleman had in fact nothing to do with the title to any one acre of land."

To a proposition to compensate, by selections from native reserves, settlers disappointed in obtaining portions of lands sold by natives, Lord Stanley cogently answered that to seize the former to make good deficiencies in the latter would be to make the Maoris pay for disappointment of which they were not the cause; "a course which would involve injustice to them and a breach of trust on the part of the Government." The utmost Lord Stanley could do to remedy the acknowledged difficulties of the case was to sanction the grant of a *prima facie* title, leaving inquiry to be made on the spot.

The company then cast away the scabbard, and on the 24th January sent a missive more like a pamphlet than a document addressed to a Secretary of State. They must have hoped that their friends in Parliament were powerful enough to overawe the Ministry. They declared that they asked no favour. They endeavoured to bind Lord Stanley to what they presumed must have been the intention of his predecessor, Lord John Russell, viz. to demand no investigation as to the validity of the purchases from the natives. If the justice exacted by Lord Stanley had been in Lord John Russell's mind it would have been a "deep and cold-blooded fraud" in the latter to mislead the company as they had been misled. But Lord John had no such secret purpose. Lord Stanley misinterpreted the agreement.

Mr. Somes sneered at Lord Normanby's instructions, at naked savages, and their rights. "We did not" (he had the effrontery to say) "believe that even the royal power of making treaties could establish in the eye of our Courts such a fiction as a native law of real property in New Zealand. We have always had very serious doubts whether the treaty of Waitangi, made with naked savages by a consul invested with no plenipotentiary powers, could be treated by lawyers as anything but a praiseworthy device for amusing and pacifying savages for the moment."<sup>1</sup> Lord Stanley "need not say so very positively" that he could not allow the company to plead ignorance of Lord Normanby's letter. It was "probably" not overlooked by them. . . . "We thought it most probable that, whenever possession of New Zealand should be actually obtained by Her Majesty, the

<sup>1</sup> The discredit of prompting this sentence has been claimed for Charles Buller, M.P., by his friends.

view hastily adopted by Lord Normanby would be found impracticable and abandoned without difficulty. . . . We candidly confess that we object to the inquiry because we feel no security for being able to establish the validity of our contracts with the natives, according to the views on which the Commissioner is apparently acting. . . . What we object to is that we should be required to prove that in every instance every native with whom our agent contracted understood the full force and meaning of the contract which he made, and that the tribe with which he dealt had a right to convey according to the New Zealand law of real property. . . . We still believe that, difficult as it is to enforce any process for inducing the Crown to fulfil its equitable engagements, the laws of our country will protect us against a direct violation of our agreement."

To those laws the unjust stewards declared that at the proper time they would appeal. Well may man pray not to be led into temptation, when a company comprising English gentlemen could pollute an elaborate and able paper with such words. Well was it that Edward Geoffrey Stanley held the seals of the department to which they were addressed. The descendant of ancient Saxon and Norman chiefs—whose motto was "Sans changer"—was neither to be cajoled nor coerced to perpetrate a wrong. He told the company (1 Feb. 1843), that the tone of their letter left him "no alternative but that of referring them to the extreme right on which they desire to stand, and of informing them that he willingly consents to their reference of the case to the judicial tribunal to which they express their readiness . . . to appeal."

To prevent doubts he stated what seemed to be their contention: "That it is the duty of Her Majesty's Government to grant to the company between seven and eight hundred thousand acres of land to be selected by them out of a tract of twenty millions of acres in New Zealand. That Her Majesty's Government are bound to make this grant without any regard to the rights of the natives, or to the rights of Europeans claiming under purchases earlier than those of the company; and further, that it is the duty of the Government to guarantee and to secure to the company the possession of such lands, whatever opposite claims may be asserted by third persons, and



whatever may be the basis on which such opposite claims may rest. In answer to these claims, Lord Stanley desires me to remind you that he has offered on the part of the Crown, as a matter not of right, but of grace and favour, to instruct the Governor to make to them (the company) a conditional grant, subject to prior titles to be established as by law provided, not only of such portion of the Wellington settlement as is in the occupation of settlers under them, but also of all parts not in the occupation or possession of others; the extent of such grant, of course, not to exceed that to which they are entitled under Mr. Pennington's award. Further than this, Lord Stanley cannot consent to go, consistently with the obligations by which the Crown, as he conceives, is bound.

"Lord Stanley is not prepared as Her Majesty's Secretary of State to join with the company in setting aside the treaty of Waitangi after having obtained the advantage guaranteed by it, even though it might be made with 'naked savages,' or though it might be treated by lawyers as a 'praiseworthy device for amusing and pacifying savages for the moment.'

"Lord Stanley entertains a different view of the respect due to obligations contracted by the Crown of England; and his final answer to the demands of the company must be that, as long as he has the honour of serving the Crown, he will not admit that any person, or any Government, acting in the name of Her Majesty, can contract a legal, moral, or honorary obligation to despoil others of their lawful and equitable rights." <sup>1</sup>

A challenge so bold and of so certain a sound Mr. Somes did not venture to accept. He declared that the company never contemplated "so odious a suggestion" as to "set aside the treaty of Waitangi after obtaining the advantages guaranteed by it." Though he continued to argue, his tone was humble, and instead of impeaching the Waitangi treaty he pleaded that it could not embrace the claims of the company in the Middle Island, although at Captain Bunbury's request the chiefs of that island agreed to it. It was clear that the authority of Lord

<sup>1</sup> For such despatches Lord Stanley incurred the censure of Mr. Charles Hursthouse in a book published in 1857. He is there styled "a Colonial Minister, peculiarly under non-colonizing, aborigines-protecting, Exeter Hall and missionary influences." Vol. i. p. 63.

Stanley would support the just decisions of the Land Commissioner. In May, 1843, Mr. Somes was fain to become a petitioner. Difficulties about titles had arrested not only sales of land, but emigration from England.<sup>1</sup> He submitted proposals under which he hoped the company would be able to fulfil their functions to "Lord Stanley's satisfaction," their own credit, and the public advantage. Lord Stanley sanctioned an arrangement by which the company were to receive 50,000 acres at Auckland, abandoning their claim to a like quantity elsewhere. To quiet their titles they were to receive a conditional grant of the lands selected by their agents. If prior titles to any land should be found the company were empowered to obtain a corresponding quantity elsewhere. The Government undertook as soon as practicable to establish some general rule for settling claims and titles, and to aid the company in making arrangements for giving equitable compensation to natives for lands on which the company or the settlers might without sufficient title have effected improvements.

Of this arrangement Hobson was not to hear. It will be seen that it did not differ essentially from the plan proposed in 1842, by Colonel Wakefield, recommended by Spain, and approved by Hobson. It contained the germs of disagreement. It was obvious that one sturdy owner unwilling to part with his land might render nugatory the assent of a majority desirous to sell. If force should be resorted to the treaty of Waitangi would be violated, and wrong would rankle in the Maori mind. The anomalous condition into which Lord John Russell had allowed the company's relations with the Maoris to drift had made the question of expediency assume almost the magnitude of a principle. The well-being of the large number of settlers congregating on both sides of Cook's Straits could not but claim earnest attention. Yet there was a danger that it might warp the authorities to abandon that which was just and right, and which had been accurately defined by Sir George Gipps and by Lord Stanley.

Mr. Spain reported officially that the conduct of the company showed a disregard of justice, and that "they wanted to make it appear that the executive of the commission was a mere useless

<sup>1</sup> Somes to Lord Stanley. Parliamentary Papers.

form, to which they were obliged to submit, but that the result was immaterial to them, as they could call upon the Government under the agreement (with Lord John Russell) to give them a Crown<sup>1</sup> grant, whether my report were favourable or not to the validity of the purchase."

The company assiduously circulated rumours that the Colonial Office had succumbed to their grasping desires. Shortland wrote (21st October, 1843): "Until the idea be dispelled that is now current that your Lordship has instructed His Excellency (Captain Fitzroy, R.N. already appointed Governor) to enact an Ordinance whereby the natives will be obliged to dispose of their lands at a price to be therein fixed, there will be no chance of any good resulting from the re-opening of (Mr. Spain's) Court. I cannot draw any such inference from your Lordship's despatch, and I must candidly express my opinion that no such Ordinance could be carried out except at the point of the bayonet, and then only by more than one regiment aided by a naval force. But I feel certain that your Lordship's instructions have been misinterpreted, and that the solemn assurances, again and again reiterated by the local government to the aborigines, that their territorial rights shall not be invaded, nor their land taken without their free consent, will never be departed from."<sup>2</sup> The rumours thus circulated were

<sup>1</sup> Spain's Report, 12th September, 1843.

<sup>2</sup> If a surmise could be of value it might be deemed that the hand of the upright Swainson penned these words. But it must not be supposed that only such as he thought it needful to demand justice for the Maoris. A remarkable letter was written to England in May, 1842, by Mr. R. D. Hanson, the gentleman who, having immigrated as an officer of the New Zealand Company, was in the end of 1841 appointed Crown Prosecutor, by Governor Hobson, in the Port Nicholson district. A lawyer; a contributor to the London press; a man selected by Lord Durham to act as his Secretary in Canada; an associate whose ability was prized by the promoters of the New Zealand Company; who finally rose to the position of Chief Justice in South Australia, may be considered capable of forming an opinion as to the claims of the company. He described them thus—" . . . it is right that some person should watch their proceedings on the part of the natives. . . The New Zealand Company have no title to the greater portion of the lands which they have professed to sell, and it may be stated with confidence that nothing short of an Act of Parliament could divest the native proprietor of his title, nor that without an adequate compensation. . . The natives of Te Aro (the site of Wellington) were never consulted as to the

worse than merely untrue. They were scattered abroad after the company had signally failed in their efforts to induce Lord Stanley<sup>1</sup> to "define authoritatively" in England "the extent to which native rights to land might be admitted." The company had neutralized the wise doings of Gipps by bending Lord J. Russell to their will, but they were as the viper before the file when they plied their arts against Lord Stanley.

Spain was called upon to defend himself from imputations made against his Court which Mr. Somes in England vied with Colonel Wakefield in decrying. Wishing to make a burlesque of a solemn treaty made in the name of the Queen, they taunted Spain with making the Court of Claims a burlesque in the eyes of spectators. In their own generation they were wise. Though Spain could not conclude his labours at Wellington until the decision of the Government might be known about granting conditional titles subject to further compensation of unsatisfied Maori owners, he strove to fulfil his functions elsewhere.

At the Hutt there was a settler who appealed for protection against Taringa Kuri. Mr. Halswell went thither in August, 1842, and called Mr. Spain to his help. They seemed to have succeeded in some measure,—Taringa Kuri promising to await Mr. Spain's award,—when an armed party sent by Rangihaeata and Rauparaha confounded the peacemakers. The settler and his men were not attacked, but trees were cut down on the plea that the Maoris wished to cultivate the ground in dispute. At Wanganui also,—where, by a deed signed at Queen Charlotte's Sound in November, 1839, Wakefield had obtained signatures of (Wiremu Kingi) Te Rangitake and others purporting to convey "all the late possessions" of the Ngatitoa (Rauparaha's) and the Ngatiawa (Rangitake's) tribes from Mokau to Cook's Straits, with coasts, islands, rivers, and mountains throughout whole degrees of latitude,—there was trouble.

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sale, and not one of them signed the deed . . (though they) had gardens on the space now occupied by the town" (there were other similar cases). What Mr. Hanson thus exposed Colonel Wakefield well knew; yet there are remnants of the company's servants and admirers who praise their proceedings.

<sup>1</sup> Despatch No. 31; 13th August, 1844. Lord Stanley to Governor Fitzroy.

In August, 1841, the chiefs stopped the surveying of land by the company. Mr. Dawson, the resident magistrate, prevailed upon the popular missionary Hadfield to intercede in September. At his intercession, and on his explanation that the survey would not weaken their title, which only the Governor or his deputy could decide, the Maoris allowed the work to be proceeded with, declaring that the land should not be taken without their lives. They had sold none on the east side of the river: on the west they admitted a sale of their rights over about 70,000 acres. The spirit in which the company acted was shown by the fact that after such remonstrances they proceeded to allot the land. Mr. Dawson warned the presiding surveyor (23rd September, 1841), that "the sectionists" must intrude on no disputed land, and that no Maori should be moved without his free consent. Early in 1841, Governor Hobson had warned all persons officially not to occupy or settle under the company's land orders at Taranaki or at Wanganui, unless such lands had been conveyed to the company by a Crown Grant.

In December there was another selection, and Mr. Dawson sent a similar warning to Colonel Wakefield, who was then in Wanganui. Wakefield promised to convey the warning, but said that he would state also to selectors that he held a letter from Captain Hobson authorizing him to remove natives "by any means in his power except compulsion." He omitted Hobson's stipulation that only any equitable arrangement should receive his sanction. With an assumption not uncommon in his correspondence he added: "Your instructions to protest publicly against the occupancy of the land by the company's settlers, are so utterly inconsistent with the spirit of this communication that I cannot but conclude, with regret, that the local government is now disposed to thwart the colonization of this part of the country by the company, as sanctioned by Her Majesty's Colonial Minister."

Wakefield referred to Lord John Russell, but the answer to his own conduct was ere long to arrive in the words of Lord Stanley, concerning justice and the honour of the Queen of England. Mr. Dawson made a manly and effective reply on the spot. It would be wearisome to recapitulate the various stages of Mr. Spain's investigation. Enough has been quoted from the

bulky blue books to show the spirit by which he was actuated, and the opposition he encountered.

When the proposition that the company might remedy defective purchases by giving further compensation was sanctioned, Colonel Wakefield and Mr. Clarke (the Protector of aborigines) conferred for some time without agreeing upon any point to submit to Spain as umpire. Dreading an adverse decision, Wakefield strove to postpone it. Spain, after vainly waiting at Wellington, proceeded to Porirua to examine some private claims. Wakefield followed him thither, and wished to proceed to Taranaki, promising that on his return he would meet Spain at Wanganui, to examine the company's titles there. Spain consented. Whatever was Wakefield's intention when he made the promise he broke his word. He did, however, tell the Wanganui natives that he would pay the compensation which might be awarded to them. This promise he also broke. Spain waited for three weeks. The natives were urgent for inquiry, and Spain (April, 1843), entered upon it, being careful (he reported, 12th September) to examine every native whose name appeared in the company's purchase-deed.

Wakefield returned by sea from Taranaki to Wellington, but Spain heard of him and invited him to keep tryst. Wakefield then exhibited, if not his true colours, such a signal as showed the value of his word. He had not thought that Spain would so speedily reach Wanganui. Important business had called him to Wellington. His nephew, Mr. E. J. Wakefield, would attend Mr. Spain's Court. "But," he added, "I think it right to inform you that I have received intimation that (the Directors) have remonstrated with the Secretary of State against being made liable for any further expenditure than that for which Mr. Pennington has awarded land to the company and that until I receive further information on the subject I shall be under the necessity of postponing the arrangement contemplated with respect to further compensation." In other words, Colonel Wakefield, to escape an adverse decision, had made a proposal and a promise to the Colonial Government. In consideration of the position of Englishmen induced by false pretences to emigrate to New Zealand to occupy lands to which the company had no title, the Governor had accepted Wake-

field's word. Trusting to the influence of the company in England, and not estimating sufficiently the difference between the Lords Russell and Stanley, Wakefield intended, if not to break it, to postpone to the Greek Calends the fulfilment of his promise. The conversation in which Mr. E. J. Wakefield tauntingly asked Rauparaha why he did not stop ships with his canoe had just taken place, when Mr. E. J. Wakefield was deputed by his uncle to attend Mr. Spain's Court. He delayed so long that Mr. Spain felt compelled to open and close the proceedings without him. At Wakefield's request the Court was re-opened, and a native witness called by him was heard. He promised to produce further evidence, but day after day elapsed without his doing so. Spain grew weary of waiting, and moved southwards, telling Wakefield that if he would follow with his witnesses they would be examined on the way, or at Port Nicholson. The nephew, worthy of his uncle, went away northwards, and, in his book (subsequently published) imputed Spain's anxiety to depart to a desire to escape the privations of life at Wanganui. Spain in his formal report declared: "It appeared to me that Colonel Wakefield purposely avoided both the settlers and the natives, and that he was doing everything in his power to put off the settlement. . . ." The company's claims at Wanganui were found by Spain defective "to the extent of millions of acres. They only established a claim to land on one side of the river." Again, a provisional decision coupled with further compensation to unsatisfied Maori owners seemed to Spain the only means of doing justice. Again, it had been found that, as between Colonel Wakefield and the Maoris, truth was on their side.

Spain went to Manawatu and there saw Rauparaha, fresh from the dialogue in which E. J. Wakefield spoke of the "hyena-like scream" with which the Maori said his countrymen would fight about their land. Rangihæata was there, and was violent and intoxicated on one occasion. "I, however, treated them with firmness (Spain's Official Report), got them to submit to give evidence, and ultimately convinced them of the just intentions towards them of the British Government. I also obtained their confidence and their unqualified consent to abide



by my decision. . . . Though Porirua is only eighteen miles from Wellington, and I remained there a fortnight, Colonel Wakefield never came near the place, or sent any agent to conduct the company's case. Rauparaha and Rangihaeata both repeatedly asked me why he did not come and face them in my Court, and hear what they had to say about the alleged sale to him?—that I made them attend, and why did I not make him do so also? These chiefs claim the Wairau on the Middle Island, and they pressed me to cross with them from Porirua and settle the question. I explained that I had advertised to hold another Court at Wellington, . . . after which I would come to the Wairau. This appeared to satisfy them, and they promised me they would not go near the Europeans at Wairau until I went there."

In another passage Spain added: "Not long before, Rauparaha and Rangihaeata went to Nelson, where Captain Wakefield, the company's resident agent, wished to make them a payment for the Wairau, but they positively refused to sell it, and told him they would never consent to part from it." Captain Wakefield, nevertheless, sent surveyors to Wairau while Spain was holding his Court at Wanganui in April, 1843. At Wellington, Spain vainly attempted to put into operation the arbitration for further compensation sanctioned at Wakefield's request. Wakefield on the 24th May pleaded for delay. He expected despatches from England, where the Directors were in correspondence with the Colonial Office.

Thus stood the company's affairs before the fatal encounter at the Wairau, which, like the bursting of a shell, was to startle not only Maori land but England and her colonies, and to show what dangerous materials the rashness and bad faith of the agents of the company had heaped against themselves by their contempt of the treaty of Waitangi, their disrespect for a Court held in the name of the Queen, and the scarcely-veiled rapacity with which they clutched at Rauparaha's lands in order, in Colonel Wakefield's own words, "to put an end to his reign."

Before visiting the field of blood it is necessary to glance at the general condition of the islands in May, 1843, when Spain was holding his Court at Wellington. Lieutenant Willoughby Shortland, R.N., the Colonial Secretary, became administrator

of the Government on the death of Hobson. Against him the accusation was made that as he had entered the navy when a boy, he could not be otherwise than ignorant. He had nevertheless been assailed for misleading Hobson. Another important personage stepped upon the scene in 1842. The busy brain of Gibbon Wakefield had seen that true happiness could not be attained in any community without consideration of its spiritual welfare. He stirred his allies.

A "Church Society of New Zealand," numbering amongst its promoters the Earl of Devon, Lord Ashley, and many members of Parliament, had in 1840 applied to the New Zealand Company for aid in procuring the appointment of a bishop or bishops. The Bishop of London applied to the Archbishop of Canterbury for help.

The Secretary to the New Zealand Company, remarking that in the Colonization Bill, prepared by the company in 1837, they had embodied a similar proposal, guaranteed the effective assistance of the company, and an endowment of land for the new bishopric. Lord John Russell in July, 1840, refused to recognize a transaction which assumed that the company had territorial or other rights in New Zealand. He had not received Hobson's official report of the treaty of Waitangi. When a British colony might be founded he would discuss the subject with the Archbishop of Canterbury.

Gibbon Wakefield said (in his 'Art of Colonization') : "Everybody laughed at us. We could hardly obtain any serious attention to our proposals. The Colonial Office, which hated our whole proceedings, sneered at the episcopal scheme. . . . On account of our scheme of a bishopric the newspapers turned us into ridicule ; . . . public men of mark refused their support generally, . . . at length, one of us, Dr. Hinds,<sup>1</sup> the present Dean of Carlisle, converted the late Archbishop of Canterbury to our view. . . . In these labours it would be affectation to pretend that I have had any but the principal share."

Others more influential on such a topic were busy. A Colonial Bishoprics Council was formed early in 1841, and the

<sup>1</sup> Dr. Hinds was a member of the Committee of the New Zealand Association. In 1838, it published papers on New Zealand with "introductory observations" by him.

archbishops and bishops formally undertook the responsibility of applying funds. A bishop for New Zealand was at once seen to be necessary. George Augustus Selwyn, curate at Windsor, was chosen for the heroic work. He had won honours at Cambridge in the halls of learning as well as in athletic sports. Young as he was (thirty-four) none doubted his fitness.<sup>1</sup> Earnest in mind, vigorous in body, indomitable in spirit, Christian to the core, he was to be received by the Maoris as a true leader of men, and to wield an influence over them for which the worldly-minded could not render a reason. He gathered funds for his diocese before he sailed in quest of it. Money was held in trust by Lord Devon, Archdeacon Hale, and Dr. Hinds. Lord Stanley sanctioned arrangements under which the company was to grant sums in the colony and to advance £5000 to the church on mortgage of the "native reserves in the company's settlements."

The New Zealand Company, to whose proceedings at this period was appended a name, F. D. Bell, long to be known in the colony, and the Church Missionary Society, passed harmonious resolutions. The new bishop displayed business-like energy in England, and in May, 1842, was at Auckland. He had studied Maori on the voyage with the aid of a young Maori returning to New Zealand, and on the first Sunday after his arrival preached in the native language. He appointed the missionary William Williams archdeacon of the eastern district; he formed a school at Hobson's request upon the plan of King's College, London. He required every clergyman to learn Maori. He travelled with Chief Justice Martin amongst the settlements in the North Island. The greater part of the Maoris, he said, had publicly professed Christianity. He found the missionaries more than equal to his expectations. "As for the people, I love them from my heart, and my desire to serve them grows day by day."

In October, 1842, he had made eight voyages, and had travelled by land from Wellington to Taranaki, in the company

<sup>1</sup> He was selected for the office (before the Melbourne Ministry resigned) after his elder brother, William Selwyn, had declined it. When Sir Robert Peel formed his Ministry he made the appointment which his predecessor had contemplated.

of Maoris. His first visitation lasted six months, and nearly 800 miles were travelled on foot, and 250 in boats or canoes. Maoris admired and Englishmen respected him. In after years when a chief was told that a zebra was untameable, he said, "Ah! you never tried Bishop Selwyn with one." His foresight as to the probable demands of his office was shown by his acquiring a knowledge of navigation on his first voyage, and putting it to use in navigating his missionary cruiser in the Pacific.

The Acting Governor was in a dubious position. The approval by Lord Stanley of Hobson's proceedings had not reached the colony when the Government devolved upon Shortland. The company's settlements were increasing. Forty-four vessels with emigrants had sailed, under charter or sanction of the company, to Port Nicholson, Nelson, and Taranaki, when Hobson died. The retainers of the company were nearly three times more numerous than the settlers at Auckland.

Shortland's first act was to apprise Colonel Wakefield (15 Sept. 1842), that he would fulfil Hobson's promises as to adjustment of land claims. He had an intricate question before him as to the status of Maoris. It arose during Hobson's lifetime.

Taraia, a chief in the Thames district, made a raid upon the natives at Tauranga, slew some, enslaved others, and indulged in the ferocious rite of cannibalism which Englishmen had deemed extinct. Hobson sent Clarke, the chief Protector of aborigines, to reason with Taraia. The chief said the English had nothing to do with intertribal quarrels or customs. If he had injured a Pakeha the Governor might meddle, but not with Maori matters. Clarke recommended (June, 1842) that force should be used in case of need to coerce Taraia, whose victims were Christians. He advised that the release of all prisoners and abandonment of land in dispute should be authoritatively enjoined. Hobson consulted his Executive Council. Clarke and Major Bunbury were summoned before it. Clarke said that any man attempting to summon Taraia would do it at peril of his life. Bunbury said he was ready to go with forty soldiers if required.

A letter from Taraia was subsequently produced: "I was

angry about my land, and the bones of my fathers. Don't let the Pakehas presume with the Maoris. With the Governor is the settling of Pakeha affairs; it is with us to adjust Maori matters."

Another chief wrote: "Friend, Governor, I care nothing about yours or the Pakeha's anger. I said nothing in the case of Maketu.<sup>1</sup> It was correct in you to take 'utu,' payment, for the European killed (by Maketu). This is payment for my friends killed; also for my land taken. Yours was correct, as mine is correct."

In July, Hobson sent Shortland to Taraia, who received him courteously. He had heard that soldiers would be sent to take him, so that he might "be hung like Maketu," and coolly said, "If this be true, I shall take a few lives first myself." Shortland protested that the Governor only wished to see the Maoris living in peace. Taraia retorted, "Why should the Governor love Wanaki (the slain chief) so much? What relation is he to him? I would not object to pay for the dead if all my relations are paid for too. Have they not eaten my mother? Has there not been war many years?" Shortland went to Tauranga, and found the injured tribes breathing fire and slaughter. He dissuaded them not altogether in vain. They finally asked for a Pakeha chief to assist in settling difficulties at Tauranga. Shortland urged Hobson to station in every district a magistrate who might by mild, just, and firm measures, assist in civilizing the "noble-minded and intelligent aboriginal race." He thought more military force required, but that hasty interference in Maori quarrels might "draw down the resentment of a brave population." In December, Shortland went to Tauranga as acting Governor to purchase land. The Maoris were in commotion. Tongeroa, a chief of the Ara'wa tribe at Maketu, had made a savage raid at Mayor Island (or Tuhua) upon the relatives of the men of Tauranga. Each tribe had seized boats belonging to Europeans. Shortland dissuaded Te Mutu, a Tauranga chief, from an avenging expedition, and sent two protectors, with his aide-de-camp, to demand restitution of a boat, and to express Shortland's displeasure at the outrages committed.

<sup>1</sup> The murderer of Mrs. Robertson.

Tongeroa breathed resolution, if not defiance. Other chiefs were anxious to restore the boat, but almost all were determined to adhere to cannibalism. In Shortland's presence Te Mutu told the Protector, Clarke, that if he caught Taraia he would kill and eat him. "Pork," said the men of Maketu, "is the food for the Pakeha, flesh for the Maori." Shortland asked Major Bunbury for all the available force (a detachment of the 80th regiment) at Auckland, and wrote to Sydney entreating that more soldiers and a ship of war might be sent to "overawe the natives." Major Bunbury at once went to his aid, received his thanks, and was entrusted with the preservation of the peace at Tauranga, but told to avoid collision with the natives. No attempt to seize the offenders was made.

Shortland's jurisdiction over Tongeroa was impugned by Swainson the Attorney-General. The Ngati-wakaue (or Arawa) tribe had always asserted their independence, as did the Hauraki with whom they were allied. Shortland doubted the legality of interference as well as his power to interfere effectually. He wrote to Sydney for reinforcements, and did not attempt to execute a warrant against the Maoris. Returning to Auckland he called his Council together, and laid before them Swainson's opinion—that the British Government had acknowledged the sovereignty and independence of the New Zealanders; that the title of England to a portion only of the islands had been acquired by treaty, and that only those natives "who have acknowledged the Queen's authority, either by becoming parties to the treaty or otherwise, can be considered British subjects and amenable to British law." Great Britain had disclaimed seizure, had gained no title by conquest, and was bound by the treaty of Waitangi.

The Executive Council put grave questions to Clarke, the Protector. Did the natives who signed the treaty acknowledge their subjection?—They did. How far and to what extent did the various tribes acknowledge the Queen's supremacy?—Only those who signed the treaty, and they only in a limited sense, guaranteeing their own customs to them, and confining British interference to "grave cases such as war and murder, and all disputes between natives and Europeans." The natives who had not signed held that they had a common right with

the British to interfere in disputes between the tribes and Europeans, but limited "British interference to European British subjects." In your communication with the natives, have you asserted that they are British subjects, and the right of the Government to interfere with them as such?—He had, but "very few even of those who signed the treaty" would acquiesce except as to disputes "between Europeans and natives." What would be the effect of admitting that any tribe was not amenable to British law?—It would be destructive; and, as colonization had been begun, "every honourable and humane means should be used to get the tribes universally to cede the sovereignty where it has not been ceded." "Supposing that we should treat as British subjects, by force, those tribes who have uniformly refused to cede the sovereignty to Great Britain, should we be keeping faith with the principles we professed when we originally negotiated for the cession of the sovereignty?"—Such a course would be considered by the natives a breach of faith, would lead to war, and although the result might be ruinous to the natives, it would be inglorious to Britain.

Shortland then put questions to his Council. Are the islands of New Zealand British territory? Were all the natives British subjects and amenable to British law? Could Tongeroa be apprehended and tried for the murder at Tohua? Was Tohua British territory? Could Tongeroa be proceeded against for taking the boat? Should the boat be recovered? Would it be expedient to apprehend and try him for the murder? What course ought the Government to pursue, having regard to pledges made by the Protector under Hobson's authority and to the notices in the 'Maori Gazette'? "Whether it would be advisable to interfere for the suppression of native wars and cannibalism?"

Shepherd the Treasurer, and Swainson the Attorney-General, differed on most points. The former considered the whole of New Zealand as British territory, and its natives amenable to British law. Tongeroa could be apprehended legally, and he would apprehend him if he could; but without more force he considered it would be inexpedient to attempt it. He would employ force when more military power enabled him to do so



successfully. The latter replied categorically that the islands were not British territory ; that from discovery, cession, assertion, and occupation, England's title was good against other nations, but that as to those tribes who had never ceded authority, and had refused to acknowledge the Queen's authority, she had not the right, nor could she, in good faith, impose on them her penal code. Tongeroa could only be apprehended if the sovereignty of Tohua had been ceded. Swainson thought it had not. He would use all means except force to recover the boat, but would not apprehend Tongeroa. If there were even a reasonable doubt of his being amenable to law, it would be unwise to try him, for if he demurred to the jurisdiction and the plea should be allowed, mischievous results must follow. He would trust to persuasion, example, and civilizing influences to suppress wars and cannibalism ; resorting to force only when "all arts of persuasion and kindness had proved unavailing," as Lord Normanby had enjoined Hobson to do.

Shortland did not argue with Swainson, but he thought as deeply as he could. He probably had not read Vattel, Puffendorf, or Grotius. If he had looked into Blackstone he would have been sorely puzzled at the definition of law which it was his supposed duty to enforce :—*Honeste vivere, alterum non ledere, suum cuique tribuere*. Golden maxims—which from the days of imperial Rome had qualified the brutal tendencies in man ; and which were never more required than in New Zealand. To live honestly was no doubt Shortland's desire. But how could he avoid hurting the natives, with a rapacious crowd of his countrymen flocking to divide the choicest morsels of the soil amongst themselves ? How could he give the natives their due, when it was clear that, whether by design or ignorance, Colonel Wakefield, as agent for a powerful company, was unwarrantably claiming lands cherished as heritages or venerated as burial-grounds ?

Shortland went by a short cut to what he thought his duty. He wrote to Lord Stanley that he had determined not to adopt Swainson's opinion, but "to continue to govern until further commands on the assumption that the whole of New Zealand is a British colony, and that all the New Zealanders are amenable to British laws." But he did not venture to execute a warrant

against Tongeroa, as "greater evil would arise from his being brought before the Supreme Court and dismissed than by allowing the natives for a time to continue their wars."

Lord Stanley made short work with the matter. The Great Seal had been attached to commissions for government of New Zealand. No subject of the Queen could impugn their validity. The justice or policy of the course pursued he would not discuss. It was sufficient that Her Majesty had pursued it. New Zealand and its inhabitants were within the British dominions, and neither Mr. Swainson nor any other person opposing this fundamental principle could be permitted to act any longer under the Queen's commission.

What was to be done if a judge should lay down the law differently, the imperious Secretary did not state. He saw objections indeed to his positive and sweeping theory. No Governor could act upon it. The tribes were too numerous and warlike to be controlled. Therefore Lord Stanley evaded Swainson's logical deduction, that if New Zealand was completely under British law the natives must be liable to its penalties and amenable to its tribunals. He could not perceive the necessity. Without quoting any writer on jurisprudence, without (it would seem) referring to a law officer, he laid down an axiom that there was "no apparent reason why the aborigines should not be exempted from any responsibility to English law or to English Courts of justice in all cases in which no person of European birth or origin had any concern or interest. Never was more glaring inconsistency displayed in the name of the Sovereign. The judges in Sydney had previously decided that the natives were amenable to the law for all offences *inter se*, and the missionary Threlkeld had vainly protested against the anomalous consequences of such a rule where native witnesses were rejected.

Judge Willis, at Port Phillip, in 1841, had held a different view, and when Governor Gipps referred the subject to England with a view to obtain the opinion of the law officers Lord Stanley, in 1842, declined to ask for their opinion. Yet in the following year he could see no reason why a course should not be followed in New Zealand diametrically opposed to the one he had enforced in Australia in defiance of the opinion of a judge

who, though eccentric, was known to be able, and who in this instance, spoke as the friend of outraged humanity.<sup>1</sup>

Seldom indeed has the maxim that "he will take who has the power" been rejected by the strong. In the United States, where, if anywhere, the essence of the Constitution demanded a more philosophical result, the highest Court affirmed the principle (*Johnson v. McIntosh*) that the European discoverer had a right to grant the soil while yet in possession of the natives, subject to a native right of occupancy, which was like that of the lamb confronted by the wolf. Chief Justice Marshall broadly decided that England as well as Spain, France, and Holland had exercised this right on the American continent, and that the United States succeeded England in its enjoyment. It had never been doubted, he declared, that they had "exclusive power to extinguish" the native right of occupancy. "All our institutions recognize the absolute title of the Crown, subject only to the Indian title of occupancy, and recognize the absolute title of the Crown to extinguish that right. This is incompatible with an absolute and complete title in the Indians. The United States have unequivocally acceded to that great and broad rule by which its civilized inhabitants now hold this country. They hold and assert in themselves the title by which it was acquired." Though this opinion in one sense comprehends the Maoris in a manner which might be deemed restrictive, in another it maintains their freedom from encroachment. It broadly holds

<sup>1</sup> Addressing a native convicted of murder in Melbourne, Willis said: "For protection and for responsibility in his relation to the white man, the black is regarded as a British subject. In theory this sounds just and reasonable, but in practice how incongruous becomes its application! . . . As a British subject he is entitled to be tried by his peers. Who are the peers of the black man? Are those of whose laws, customs, language, and religion he is wholly ignorant—his peers? He is tried in his native land by a race new to him, and by laws of which he knows nothing. Had you, unhappy man! had the good fortune to be born a Frenchman, or been a native of any other country but your own, the law of England would have allowed you to demand a trial by half foreigners and half Englishmen. . . Without a jury of your own countrymen—without the power of making adequate defence by speech or witness—you are to stand the pressure of everything that can be alleged against you, and your only chance of escape is not the strength of your own, but the weakness of your adversary's case."

that the Colonial Government can assert no title at variance with that of the imperial authority which descended to it; and there can be no question that the rights of the Crown in New Zealand were defined in the treaty of Waitangi.

It has been mentioned that Colonel Wakefield and Spain conferred with the Government at Auckland after Hobson's death. About the same time, the first mayor and aldermen of Wellington were elected, and Judge Martin held his first Court there. Colonel Wakefield was twenty-four days at sea between Wellington and Auckland, and was half that time at sea on his return voyage. He found no fault with Shortland, who promised to visit Wellington after calling at Tauranga to arrange a land-purchase from the natives. Tongeroa's proceedings had compelled him to return to Auckland to study problems as to the rights of nations, but he arrived at Wellington in January, 1843, and was received with more loyalty than had been accorded to Hobson, although he had been the agent sent by Hobson, in 1840, to sweep away the flag set up by the company and to rear the Union Jack in its stead. He visited Akaroa and returned to Wellington, sailing thence by way of Nelson and Taranaki to Auckland. A shadow of coming danger was cast across his path by Colonel Wakefield, who wrote that "unless some decisive measures were adopted to repress native aggressions, they would end in collision between the two races."

Mr. Clarke, junior, had been appointed Protector of aborigines in the district, and the company's friends somewhat resented the elevation of so young a man to a post which seemed to place him over Mr. Halswell, the Commissioner for native reserves. Shortland referred to England Wakefield's remonstrance about native aggressions.

There was an agent for the company at Taranaki, named Wicksteed. In July, 1842, he reported violent proceedings, to repress which he had induced Mr. Cooke, a magistrate, to swear in special constables, and with an armed band of twenty-eight men had made a demonstration at the Waitara. He made presents of tobacco and blankets after exhibiting his forces. Flushed with this success, in December, 1842, he pulled down a fence erected by Maoris for cultivation purposes on a town section which he wished to hand over to a settler. Without

any appeal to the civil power, Wicksteed pulled down, and with equal pertinacity the Māoris again built up, the fence. On the 24th December, with a stronger party, Wicksteed returned; and, not without a scuffle, removed the fence. A young chief brandished his tomahawk over Wicksteed's head, and was given into custody of constables whom the police magistrate, Mr. King, had ordered to be in readiness. By a burlesque of justice Wicksteed charged the native with assault. The Bench dismissed the case, and Mr. King reported: "We took the opportunity of pointing out to him the illegality of his conduct." Wicksteed complained that King gave him "the least possible assistance."

In February, 1843, Shortland called Colonel Wakefield's attention to the matter. He advised that the settlers should show forbearance until the land titles could be adjusted and defined. He did not prevail; but he was on such general terms with the company as prompted Colonel Wakefield to write (27th January, 1843): "The cordial manner in which His Excellency has proffered his assistance to enable the company to fulfil its engagements to the public, leads me to hope for his sanction to a speedy and satisfactory settlement" of the land claims. Shortland (April, 1843) recommended relaxations as to the time within which the company were bound to select their lands, the shape of the blocks, and the quantities and localities due to them under Mr. Pennington's award.

Lord Stanley's instructions on these points reached Shortland's successor in the following year. Another matter referred to England, in 1843, was the question whether the native reserves were to be deducted from the total grants to the company. Spain thought they should not be deducted, and Wakefield once thought the same; but his appetite had grown, and he abhorred any reduction in the slices carved out of Maori territory by his vague bargains. Lord Stanley had no doubt that the deduction was contemplated, and ought to be carried into effect.

It may be remembered that Colonel Wakefield himself proposed, and was grateful to Spain for recommending and to the Government for consenting, that his vicious bargains might be recognized on condition of further compensation being paid to

the natives on award under arbitration. When Wakefield found that substantial payments would be needed to comply with his proposal, he strove to escape from it. The composite rights of Maori ownership were fitted to breed doubts, and Wakefield's shuffling was more multiform than they. Ever as a last resort he had in view an assault by his masters in England upon Lord Stanley. Meanwhile by false promises, broken faith, and procrastination, he withstood a just settlement in the colony.

Spain recorded the obstructions he encountered. He wrote to Shortland: "It is quite clear to me that Wakefield feared to meet both the settlers and the natives. . . . The untenable reason that he assigns for now refusing to carry out his agreement with you, is absurd, and is founded upon general instructions which he alleges to have received from London, not to make any further payment to the natives, such instructions having been received months before this specific agreement was entered into; Colonel Wakefield having entered into it at his own special request to be allowed to do so. . . . I therefore contend that the company is legally and morally bound by the act of their agent. . . . The natives who have been, through their Protector, parties to the negotiation, are naturally most indignant at Colonel Wakefield's refusal to pay them the compensation to which I may decide they are entitled." Wakefield remonstrated against the "unexpected amount" of the award and the "exorbitance of the insatiable demands" of the natives.

Spain, writing (May, 1843) confidentially to Shortland, vigorously exposed the "wretched subterfuge" resorted to by Wakefield to avoid payment of awarded compensation. Though pledged to do so, Wakefield would not refer to Spain's decision any difference between himself and Clarke, the Protector, as to the amount to be paid.

"The most annoying part of the business is that after encountering all sorts of opposition and difficulties, and just as I had got all the natives to listen to reason, and ready to settle the question, Colonel Wakefield should draw back and refuse to fulfil his engagement. My Court will close here on the 19th June, after which I must proceed to Queen Charlotte's Sound, Nelson and Taranaki, for although Wakefield pretends

to say he has called all his witnesses he wants examined, yet he has not called a single native witness in support of the deeds executed in Queen Charlotte's Sound and Taranaki, and therefore I cannot proceed to make a final report on those cases without proceeding to those places and examining the native witnesses whose names appear to those deeds."

In the northern part of the island no such difficulties were encountered as had been brought about by Wakefield's proceedings. Many contracts with the natives had been entered into there by persons who knew the Maori language and people, and proofs were accessible to test other claims made with less tact or prudence. One thousand and thirty-seven claims were referred to the Commissioners, Godfrey and Richmond, who were able in May, 1843, to report the settlement of more than half of them. Sir George Gipps' Proclamation had dissipated a cloud of claims, but even amongst those put forward the alleged consideration proved the recklessness or cunning of claimants.

Two instances, taken from one place, Hokianga, may be compared. For a payment of £24, or value in kind, one man claimed to have bought 1500 acres. The Commissioners awarded 96 acres. Another claimed to have bought 200 acres for £233 10s., or equal value, and the Commissioners awarded all that he claimed. He was the Pakeha-Maori, F. E. Maning, the author of 'Old New Zealand.' In toiling through musty tomes it sends a pleasure to the heart to find that amongst those who did not strive to overreach the Maoris was the man who best knew, and could most easily have traded upon, their ignorance of the significance of the parchments they were induced to sign.

Individual claimants in the Auckland district could bring no parliamentary influence to bear to coerce the Government, as Colonel Wakefield hoped that Gibbon Wakefield's talents, aided by influential friends, would enable him to coerce it. Shortland was distracted with anxiety. It must have been feared, if not seen, that the concession already made as to occupation of disputed land and subsequent compensation would create distrust and feud. There was a more immediate danger. While resorting to what Spain denounced as "wretched subterfuges,"



and declining to produce evidence, Colonel Wakefield connived at active and unlawful steps taken by his brother and others at Nelson. Surveyors were sent to mark out sections for settlers at the Wairau, Cloudy Bay, to which Rauparaha and Rangihaeata openly asserted a title, and whither Spain was pledged to proceed to inquire into the company's disputed claims. Only in one direction could Shortland look for support. Lord Stanley's reprobation of the fraudulent designs of the company had been sent, not only to Mr. Somes, but to the Colonial Government, and the subordinate could act confidently when he knew that his superior was actuated by principle and by courage. The details of Government with which the Colonial Office dealt may be surmised from the fact that while millions of Englishmen held their breath in suspense for the fate of their countrymen sent under Nott and Pollock to avenge the massacre at Cabul; while Sir Robert Peel was reconstituting the basis of taxation; while Mr. Duncombe was pressing Chartist petitions upon the House of Commons; while passages of arms were occurring in South Africa and China,—Lord Stanley had to direct the New Zealand Government how to prevent local disorder. Maoris, indignant at the desecration of a burial-ground, had committed an outrage at Kaipara. Lord Stanley considered it of the "greatest consequence to lead the natives to be satisfied with our mode of administering justice and to abandon their own. . . . I am not clear whether under any local enactment the violation of tapu would or would not be punishable; but it should be made so if it is not so now, and a punishment should be attached to the act which might seem disproportionate to the nature of the offence, or the natives will not be restrained from taking the law, or rather vengeance, into their own hands. In this case, however, European feeling as well as that of the New Zealanders is in favour of protecting the sanctity of the dead."<sup>1</sup>

It may be well to summarize in this place the facts connected with the Manukau Company, which sprung into existence before Gibbon Wakefield launched the New Zealand Company, and grew out of his earlier efforts with Lord Durham to form the New Zealand Association in 1837.

One Mitchell had, in 1835, purchased land at Manukau from

<sup>1</sup> Despatch, 5th October, 1842.

the Maoris. The company bought from him. The natives admitted that they had sold some land, but much less than the quantity claimed. When the ship 'Brilliant' arrived, in 1841, with sixteen men, eight women, and three children, as settlers of the Manukau Company, Hobson did not know where to put them. In an account, furnished by Major Campbell in 1842 to Lord Stanley, on behalf of the company, it was urged that the company purchased in 1837, after the independence of the New Zealanders had been officially declared; that in 1838 they bought further rights from the executors of a British subject (Mitchell); that in 1839 they sent out a respectable agent to inspect and take possession; that in 1840 they issued a prospectus; that they sold eighty-four sections, of 100 acres each (out of 220 advertised for sale), and that when they became aware of the rules to be applied to British subjects, they "desisted from selling, anxious not to embarrass the Government or mislead other individuals." The original purchase-money for land had been less than £1000.<sup>1</sup> Alleged expenses raised the claims of the Manukau Company (under the absurd arrangement made by Lord John Russell with the New Zealand Company) to £10,457 5s. 3d. The accountant reduced them to £4980 19s. 3d., which by Lord John Russell's arrangement still entitled the company to ask for 19,924 acres. Lord Stanley consented in December, 1842, to the accountant's award, with the limitation that the assignment would be made "from the actual lands to which the company may have been

<sup>1</sup> The brief statement of the cost of colonization in this instance may be given :

Purchase from Mitchell's trustees . . . . .	£500	0	0		
Cost of conveyance . . . . .	39	2	6		
Captain Symonds' further purchases . . . . .	400	0	0		
Costs, &c. . . . .	23	0	0	962	2 6
Charges of emigrants, stores, &c., per 'Brilliant' . . . . .	947	17	1		
„ per 'Osprey' and 'Louisa Campbell' . . . . .	710	0	0		
Sundry vessels . . . . .	675	0	0		
Liability for further expenditure in emigration . . . . .	1575	0	0	3907	17 1

Expenses in New Zealand and in London (with interest) made a total claim of £10,457 5s. 3d. On examination, Mr. Pennington (Lord John Russell's nominated actuary) cut down the expenditure allowed to £4980 19s. 3d. The names most prominent in the company were those of Major Campbell, Captain Symonds, and Mr. Roy.

able to prove a valid title." Meanwhile, the company had received £9350 in London for land which the settlers on arrival could not find. It is almost needless to say that when the claim was examined on the spot, the valid title shrank to very small proportions, and would not have sufficed to furnish homes for one-fourth of the settlers from whom the company had taken money in England. Hobson had much trouble in the matter, and his successor, Captain Fitzroy, pronounced a decision against which the company appealed to Earl Grey, who refused (27th February, 1847), to reverse it in terms which are descriptive of many New Zealand claims.

The company had been compelled to abandon their attempt to define their boundaries, their deed was mutilated, there were palpable omissions; its purport was utterly denied by the natives. Other natives were believed to be owners of the greater part of the land; but (and here may be read the vice of Lord J. Russell's regulations as contrasted with the virtue of Sir G. Gipps') the Earl added—"While I must for these reasons decline to consent that the decision should be set aside or re-opened, I am of opinion that the Manukau Company are entitled in virtue of the precedents which have been established, and the principles which have been admitted in this and similar cases, to receive such a number of acres of land in New Zealand as may be equal to four times the number of pounds sterling which it has been ascertained that they had expended in emigration to that colony before the enactment of the Australian Land Sales Act."

Delay thwarted even this solution of the company's troubles. In June, 1850, the Governor informed Earl Grey that he could not ascertain that they had any legally authorized agent in the colony; that "their operations have been for several years suspended, and the Government, finding that those of their settlers who had arrived in the colony had not obtained land from the company, gave them lands in exchange for their claims. I believe that there are no settlers on the lands of the Manukau Company." The claims of the New Zealand Company were more vicious than those of its contemporary; but the Manukau Association had not the parliamentary support which in the hands of Gibbon Wakefield had sufficed to control Lord John Russell.

## CHAPTER VII.

## THE WAIRAU.

WHILE the acting Governor and Mr. Spain were striving to settle the burning question of Maori titles, Lord Stanley was issuing instructions to the new Governor, Captain Robert Fitzroy, R.N. Captain Fitzroy had not left England when the perversity of the company's agents precipitated the strife which Spain and Hobson had laboured to avert. The darling object of the company's agents was to provoke the Maori into contest with the Queen's authority. For this, Wicksteed at Taranaki, and Wakefield at Wellington, had applied for a summons or warrant. For this, knowing that the proud spirit of Rangihaeata would not submit to fetters or imprisonment, application had been made to Chief Justice Martin for a bench-warrant. Face to face, *per fas aut nefas*, the races must be brought, and in the struggle the company's defective titles might be made good. Spain's antiquated notions about justice must be frustrated, if need be, by violence.

It will be remembered that after Rauparaha and Rangihaeata besought Spain to cross with them from Porirua to settle the Wairau question, he promised to go thither after holding his Court at Wellington in June, 1843. They said to Spain, "Be quick, be quick." They knew that in spite of their refusal at Nelson, in March, 1843,<sup>1</sup> to accept payment for their Wairau lands, or to sanction the survey of them, Captain Wakefield in the following month kept surveyors there; and they warned Clarke, the Protector, that they would prohibit the survey of the

<sup>1</sup> Parliamentary Papers, 1845, vol. xxxiii. p. 33. Evidence of Tuckett, the surveyor, in whose presence Rangihaeata said that "we should not have the Wairau unless we killed him."

land.<sup>1</sup> They had told Captain Wakefield, and repeated to Clarke, that in order to obtain forcible possession he must first take their lives or make them slaves. Spain thought he had persuaded them not to interrupt the surveyors, but to await his arrival. But with the Maoris at Cloudy Bay, Spain had no communication.<sup>2</sup> In April they pulled up the surveyors' ranging-rods and destroyed a saw-pit. The surveyors persevered, and on the 6th May, the Maoris destroyed some of their huts. They allowed Mr. Cotterell's to stand because he promised to leave it for them.

Mr. Tuckett, the principal surveyor at Nelson, went thence on the 27th May, to aid his three subordinates; but before his arrival Rauparaha and Rangihaeata had made their appearance. The chiefs arrived on the 1st June, and when Tuckett followed, on the 3rd, he found that they had destroyed Mr. Cotterell's hut, and had removed his effects without injuring them. Rauparaha declared that as the hut was built of materials taken from his land, he had a right to destroy it. He made his followers assist in carrying the surveyors' property to the boats. Cotterell, with a letter to Captain Wakefield, went to Nelson, and on the 12th June laid an information against Rauparaha and Rangihaeata for burning his hut. Mr. H. A. Thompson, the police magistrate, Protector of aborigines, and Government representative at Nelson, issued a warrant to apprehend the chiefs, on a charge of arson. Captain Wakefield, with equal unwisdom, wrote boastfully to his brother on the 13th: "The magistrates have granted a warrant, and Thompson, accompanied by myself, England, and a lot of constables are off immediately in the Government brig to execute it. We shall muster about sixty, so I think we shall overcome these travelling bullies."

On the way to Cloudy Bay, Mr. Thompson met Mr. Tuckett, the surveyor, in a boat, with about ten men. Despairing of success in continuing his survey, Mr. Tuckett was returning to Nelson. He turned back with the armed party in the brig, which anchored in Cloudy Bay on the 15th June. On board the brig was Captain J. H. Wilson, E.I.C.S., who had taken

<sup>1</sup> Parliamentary Papers, 1844, vol. xiii. pp. 336 and 441.

<sup>2</sup> *Ibid.*, p. 147.

his passage to Auckland before the vessel was diverted to Cloudy Bay, to carry the executors of the warrant. Captain Wilson told a Committee of the House of Commons (1844) that he differed from Captain Wakefield as to the probability that the chiefs would surrender. Wakefield told Wilson that Rangihæata "was only a bully, that there was nothing in him;" and at various times argued so as to prove that in his opinion the chiefs would not resist. Wilson was equally confident that they would, and declined to land with the magistrate. The landing party numbered forty-nine in number. Thirty-five were armed. On the 16th they went in search of Rauparaha. Meeting a chief named Puaha (a nephew of Rauparaha), they persuaded him to accompany them. He warned them "not to be rough with Rauparaha and Rangihæata." Some of the armed men spoke insultingly to Puaha, and were rebuked by their leaders. Puaha succeeded in sliding away unperceived, and went himself to Rauparaha. Rauparaha had seen the brig, and imagined that Spain had arrived to hold his Court. Warned by Puaha<sup>1</sup> of the real nature of the expedition, he told his people to remain quiet until they saw him being dragged away, and then to rescue him.

On the 17th the magistrates found Rauparaha encamped by

<sup>1</sup> The reader may be pleased to see in what estimation Puaha was held. In the volumes on native affairs in the Middle Island, printed in 1873 by the New Zealand Government, it is said: "Rawiri Puaha (who played so conspicuous a part in his efforts to prevent bloodshed at the unfortunate Wairau massacre, and whose anxiety to effect a peaceable settlement of the disputed question which originated the affray, as also his interference on subsequent occasions to maintain peace between the two races, are well known matters of history) died at his own village, Takapuahia, Porirua harbour, on 6th September, 1858. His health had been declining for many years; . . . when any important question had to be discussed the fire of the decaying warrior brightened up, and his powers of oratory and the influence he possessed, combined with the prestige of his reputation, gave almost irresistible weight to his opinion. He always acted in a calm, decided, yet impartial manner in settling quarrels and disputes among his own people, and maintained a high character as a consistent and conscientious Christian. He was born at Kawhia . . . and was descended in a direct line from the principal family that migrated from Hawaiki . . . in the famous canoe *Tainui*." Puaha accompanied Rauparaha on his migration from Kawhia and southern conquests, and was married to Waitohi a daughter of Te Pehi, whose death at Kaiapoi preceded the revenge taken by Rauparaha with the aid of Stewart, the master of the 'Elizabeth.'

a stream in which was his canoe. Captain Wakefield crossed in the canoe with Thompson and others. It is strange, but true, that the usual salutations were exchanged. Mr. Thompson asked for Rauparaha, who rose and said, "Here am I; what do you want with me?" He held out his hand, but Thompson pushed it away. Tuckett and Cotterell accepted it, and shook hands also with other natives. Thompson, by his interpreter, told Rauparaha that he had brought a warrant to apprehend him and Rangihaeata for destroying the hut. He had not come (he said) about the land. Rauparaha answered that he had destroyed no European possessions. The hut was made from his own property; the materials were obtained from his land, and he had a right to do what he liked with his own. He would wait, till Spain arrived, about the land; but would not be manacled like a slave. "I will not go; I will stay where I am." Thompson produced the warrant, calling it "the Queen's book." Puaha interposed and urged both sides to be peaceful. Thompson pushed him aside and declared that he had brought an armed force and would use it. He asked for Rangihaeata, who angrily sprung up, saying, "I am on my own settlement. I do not go to England to interfere with you." Rauparaha told Rangihaeata to leave him to settle the matter. Thompson again urged Rauparaha to submit, but received again the same cool answer. Thompson threatened to fire. Rauparaha told him not to "be so thoughtless." Handcuffs were produced. Rauparaha put his hand under his garment and repeated his warnings. Thompson called on his men to fix bayonets and come forward to arrest the chiefs. Captain England advanced. Wakefield cried out, "Englishmen, forward." A shot was fired from the European side; <sup>1</sup> a Maori fell. Te Ronga, the daughter of Rauparaha and wife of Rangihaeata, being close to her husband, was shot. Rauparaha's voice was heard in the confusion. "Hei koni te marama. Hei koni te ra. Haere mai te

<sup>1</sup> At first it was attempted to show that it was doubtful from which side the first shot was fired. But a careful analysis of the evidence leaves no doubt upon the point. When it was established it was further alleged that the first shot must have been accidental, but of this no evidence was adduced. The police magistrate finally came to the conclusion (14th July) that the conflict "originated from an accidental shot from one of the European party."



po.”—“Farewell the light. Farewell the day. Welcome the darkness of death.” Volleys were fired before the English had fairly crossed the stream. They were broken. Some fled. Wakefield and Thompson rallied them in vain. The Maoris pursued, and resistance being hopeless, a white handkerchief was waved in token of submission, Rauparaha called out “Enough,” but Rangihaeata shouted, “Give no quarter; they have killed your daughter, Te Ronga.” The young men slew all who could not escape by flight or concealment in the woods. It was said that Rangihaeata struck down Wakefield and the other gentlemen.

Mr. Whiteley, a Wesleyan missionary at Taranaki, wrote: “By Rangihaeata’s own law he was required to do this, and it was a matter of honour that he should thus revel in revenge (for his wife’s death), and cease not till he had made a full end. Rauparaha could not interfere, because he too was injured.” In his scorn of the Maori and his laws, Captain Wakefield had plunged with a light heart into an affray which aroused not only the passions but the superstition of the race. With Wakefield fell Thompson the magistrate; Mr. Richardson, the Crown Prosecutor at Nelson (also editor of a newspaper at Nelson); Cotterell the surveyor; an interpreter, and others. Nineteen bodies were found. Four Maoris were killed. Mr. Tuckett, the surveyor, was one who escaped. By means of a whale-boat he returned to the brig, crossed the Straits, and on the following day told the harrowing tale to a special meeting of magistrates at Wellington; not knowing the fate of those who had been captured. The excitement and indignation of the European community were intense. It was stunned, but not intimidated. The martial spirits wished to organize a band of volunteers and pursue Rauparaha to the death. Wiser men knew that if a national feud should then arise the whole of the Europeans could be swept from the earth in a few days. Just men knew that the cause of quarrel was unjust. The police magistrate, McDonough, was in the chair. Spain the Commissioner was present, with eleven other magistrates. It was determined that the police magistrate, Spain, Colonel Wakefield, Dr. Evans, Mr. Clifford, and others should proceed to the Wairau and endeavour to obtain the release of any

prisoners. The massacre of the captives was then unknown. After delay from adverse winds the fatal spot was reached. Spain had stipulated with Colonel Wakefield that the survey should not be resumed until the question was settled. The horror of his brother's death perhaps made the resolute man submit to terms which he might otherwise have resisted. At Cloudy Bay Spain and his companions took down evidence as to the massacre from those who had escaped, and from a missionary, Mr. Ironside. At Wellington, meantime, McDonough published notices enjoining peacefulness on both sides. Rauparaha after the affray had buried the four Maori dead, crossed the Straits, and retired to Otaki. A Wesleyan missionary, Mr. Ironside, who met him on the 20th, asked if he might bury the Europeans. Rauparaha consented. The bodies, mangled by tomahawk, but not for cannibalism, were found, and the Wesleyan minister read over their graves the burial service of the Church of England. Under the head of Captain Wakefield Mr. Ironside found a piece of bread, placed there as an insult to the Pakeha chief. By Maori usage nothing common should be put near a chief's head, and bread was common. Mr. Ironside found and buried nineteen bodies.

The inquiry by the magistrates revealed the facts. On the 29th June, the magistrates met again at McDonough's house. Colonel Wakefield was not present. Dr. Evans related the tale of the Wairau fight and massacre; and on his motion, seconded by the Hon. J. Petre, it was resolved, "that Mr. Spain, the Commissioner of Land Claims, be requested to go in his capacity as one of the magistrates to communicate to the native chiefs and tribes in Cook's Straits their determination, which is not to make or to sanction any attempt to take vengeance for the death of the white men at Wairau, but to leave the whole matter to the decision of the Queen's Government, who will inquire into it and decide according to law."

Dr. Evans was a prominent person in the New Zealand Company. He had been intended to act as their jurist, until it was discovered that without the aid of the Crown they could set up no jurisdiction. He had gone to Sydney to negotiate with Sir George Gipps about their lands; and he was now deputed by the magistrates to go to Auckland to represent the facts con-

nected with "the late lamentable catastrophe at Wairau, Cloudy Bay." From Nelson, Dr. Monro and Mr. Alfred Domett were sent thither on the same errand.

Acting Governor Shortland issued a proclamation (12th July), warning all claimants to land whose claims were disputed by natives, against "exercising acts of ownership thereon, or otherwise prejudicing the question of title to the same, until the question of ownership shall have been heard and determined by one of Her Majesty's Commissioners." He authorized also the issue, in the Native Government Gazette, of a narrative, deploring the conflict, declaring the subsequent slaughter very bad in the estimation of Europeans, and announcing that lands not sold by the natives would not be taken from them. He appointed Major Richmond of the 96th Regiment, chief magistrate of the southern districts, and sent a small body of the regiment from Auckland to Wellington. Shortland told Lord Stanley that the rash step taken by Thompson and his companions in going to apprehend Rauparaha, was in his opinion "not only illegal, but in the highest degree unjustifiable," the question of ownership being unsettled, and about to be considered by the Commissioner. The effects of the catastrophe he "feared to calculate." To coerce the natives was impossible without "an overpowering regular force." The natives would universally resist infringement of their landed rights, and of the treaty regarding them, and they were superior in arms to undisciplined Englishmen. He concurred with all others in lauding Captain Wakefield. Nothing but ignorance of the land question and of the native character could have led him into the false step which Thompson and Richardson, usually excellent officers, had joined in taking. As to arresting Rauparaha it was out of the question. His countrymen would, to a man, side with him, believing that he had only defended his honour and his life. The indignant chieftain had carried off with him the handcuffs intended for himself, to show the natives the indignity prepared for them.

From Spain, and from Swainson, Shortland received opinions concurring with his own as to the ill-advised endeavour to arrest Rauparaha. Swainson not only declared that the natives could not lawfully be harassed, but that the proceedings of Mr.

Thompson having been illegal, the European survivors had in strictness incurred the legal guilt of a capital offence. Spain reported that "independent of the depositions, which are very strong upon the point, all the information I have obtained goes to show that in the commencement the natives exhibited the greatest possible forbearance, and evinced the utmost repugnance to fight with the Europeans, requesting that the matter might be referred to me for decision."

At a later date, after careful inquiry into the whole matter, Spain summed it up thus (23rd September, 1843): "Not long before the collision at the Wairau, Rauparaha and Rangihaeata went to Nelson, when Captain Wakefield, the company's resident agent, wished to make them a payment for the Wairau, but they positively refused to sell it, and told him that they would never part from it . . . The Wairau is situate seventy miles from Nelson (where the agreement in England permitted the company to select land), and the company had never informed me, nor I believe the Government, of its intention to take a block there. The survey was commenced only two months before the affray took place, the agent to the company being well aware that the natives had always disputed the sale of the district. I have given the whole subject my best and most attentive consideration, and I have arrived at the conclusion that the conduct of the company's agents, in forcing a survey of the Wairau, can only be regarded as an attempt to set British law at defiance and to obtain possession of a tract of land the title to which was disputed, and at the very time under the consideration of a Commissioner specially appointed to report upon it." At a still later date Spain added that "no evidence of the purchase has been adduced by the company's agent;" that there was no proof "in any way that the district was ever alienated to the company by the parties from whom that body asserts, through its agent, that it has been purchased; and I entertain no apprehension that a candid and impartial perusal of the evidence will ever lead to any other conclusion."

Such was the quarrel in which Colonel Wakefield measured swords with "the old savage" whose land he hoped to acquire, and to whose reign "to put an end." In spite of Hobson and

Shortland, and of Lord Stanley, the honour of England had been stained in a cause which would not bear the light of day. An honourable ally, a high-spirited race, were roughly estranged by a land-trafficker ready to "bite the holy cords atwain which were too intrinse to unloose." An Iliad of woe was entailed upon the Maoris; and a sense of shame upon English soldiers who, while gallantly carrying their country's flag, felt that it ought never to have waved in such a quarrel. Lord Stanley had to determine without the help of Spain's later opinions. He had before him the various contemporary accounts of the occurrence. He had seen the fiery zeal with which the extreme section of the settlers demanded military reinforcements and savage revenge upon Rauparaha. Without entering on the unsettled claim to the land, he was compelled to decide that the expedition to arrest Rauparaha was manifestly unlawful, unjust, and unwise. No law forbade the chief to destroy the hut erected on the land. No responsibility could fall upon the natives who did but exercise the rights of self-defence, after urging with temper and strong reasons their objection to yield as prisoners of war. Even as to the revolting slaughter of the captives, there was the apology that the savage antagonists were "kindled by the violent death of a wife and daughter protecting her husband's person at the sacrifice of her own." As to Swainson's repeated arguments that the Queen's sovereignty over the islands was disputable, they had been condemned by Lord Stanley before, and must "henceforward be silenced." Implicit acquiescence in the doctrine laid down by Parliament was "an indispensable condition of tenure of any public office in the colony." Fitzroy was to endeavour by "conciliation, sincerity, and firmness," to repair the error committed at Cloudy Bay.

When Rauparaha left the scene of the massacre, he must have felt that whatever hatred had actuated the company's servants before, would be intensified by his slaughter of Captain Wakefield and his friends. He hastily crossed the stormy strait to rejoin the main body of his countrymen, and weary and wet with the spray which swept continually over himself and his few followers arrived at Waikanae. The cultured Hadfield has assured me that never did he see such marvellous effects of oratory and of action. The Ngatiawa and others, assembled to

hear him, seemed unsympathizing, and the old man spoke or affected to speak with difficulty, coughing frequently as though from suffering or infirmity.

But his narrative enchained them; and when, holding up his hands as if manacled in view of all, he said: "Why should they seek to fetter me? I am old and weak; I must soon pass away. What could they gain by enslaving me?—by fastening irons on these poor old hands? No; that is not what they seek. It is because through my person they hope to dishonour you. If they can enslave me they think they degrade the whole Maori race."

The demeanour of his hearers changed. They seemed to thirst for war. One of Hadfield's Maori assistants ran to entreat him to interrupt the meeting by summoning the people to prayers; otherwise Rauparaha's eloquence would carry them away to wreak his will. There was already danger, and the advice was adopted. The bell which summoned to Divine Service silenced for that night the tocsin of war.

On the following morning Rauparaha addressed his own people, the Ngatitoa, at Otaki, and Hadfield could hardly believe his eyes. Not bowed down, nor shrinking from the cold; not appealing for pity or sympathy; but erect and imperious, nay, jubilant and confident, he called upon his countrymen to avenge the insult cast upon them. "Now is the time to strike. You see now what the glozing pretences of the Pakeha are worth; you know now what they mean in their hearts; you know now that you can expect nothing but tyranny and injustice at their hands. Come forward and sweep them from the land which they have striven to bedew with our blood."

The Ngatitoa required little instigation, and would, with their allies, have marched direct upon Wellington but for the restraining influences of Hadfield and the authority of Te Rangitake. The biographer of Bishop Selwyn believed that, humanly speaking, Hadfield prevented the extension of war and massacre. Hadfield, better informed, attributed the result to his friend, Te Rangitake. Long years afterwards (1860) he stated at the bar of the New Zealand House of Representatives that Wiremu Kingi te Rangitake was mainly instrumental in preventing a combined attack upon Wellington. "He rejected

the proposal of Rauparaha and Rangihaeata to join them in it, and exercised the whole of his influence to prevent any of his tribe from doing so." During Hadfield's absence for a few days they renewed their persuasions, but Te Rangitake "again positively declined to take any part in such a proceeding."

How the colonists returned evil for good the treatment which the chief received at the Waitara in 1859 will show. Their debt to him may be inferred from the following paragraph in a petition sent, after the Wairau massacre, to Parliament by the inhabitants of Wellington, in which (signed by the mayor and seven hundred persons) it was averred: "That it is in the power of the aborigines at any time to massacre the whole of the British population in Cook's Straits, and that Rauparaha has been known to declare that he will do it."

Mr. Spain hastily sought Rauparaha when requested (29th June) by the magistrate to do so. It was feared that, apprehensive of retaliation, the Maoris would attack Wellington before succour could be obtained. Riding over bad roads, through tangled forests, Spain found Rauparaha at Waikanae. "Rauparaha," he said, "is the most talented native I have seen in New Zealand. He is mild and gentlemanly in his manner and address; a most powerful speaker, and his argumentative faculties are of a first-rate order." For better security all the Cloudy Bay Maoris had withdrawn with Rauparaha to the Northern Island.

The tribe assembled at a "korero," to hear Spain, who spoke through an interpreter. The Maoris were wrong if they supposed that Englishmen would slay indiscriminately in retaliation. The Governor only could decide whether any of those engaged at the Wairau should be punished. Meantime there would be no aggression against the Maoris. The principal chief said: "Your words are very good, but who can tell what will be the words of the Governor?" Spain replied: "Have you not known me long, and have I ever deceived you?" This was accepted with favour by the tribe, and the chief agreed that the Europeans should not be molested by his people. Rauparaha had crept into the assembly and sat behind the chiefs. When they had concluded conference he rose and "made a most powerful speech." He narrated all that occurred



at Wairau, and "asked with energy, 'Is this the justice the Queen of England promised to the Maoris? You are not satisfied with having taken all our land from us, but you send a Queen's ship, headed by a Queen's officer, to fire upon us and kill us.'"

Spain explained that a warrant to apprehend did not imply a foregone conclusion as to guilt. Had Rauparaha surrendered he might have given bail till the day of trial, and neither the Governor nor the Queen knew of the issue of the warrant. The slaughter of the captives had excited horror. For this Rauparaha was "very sorry," and attributed it to Rangihæata's passion at the death of his wife.

"After this he cross-examined me with as much acumen as if I had undergone that ordeal in Westminster Hall by any member of the English bar." Was not the object to quiet them, to gain time, to assemble troops, and then attack them? Spain shaped his answers cautiously, aiming at peace. Rauparaha replied: "I hope you will at all events act as a gentleman." Spain trusted he had always done so. "What special meaning was in Rauparaha's mind?" "Why, if the Governor should decide upon sending soldiers to take me and Rangihæata, will you send and let us know when they arrive? because you need not take the trouble to send up here for us. If you will only send I will come down to Port Nicholson with a thousand Maoris and fight with the Pakehas. If they beat us they shall have New Zealand and we will be their slaves, but if we beat them they must stand clear."

Spain proceeded to Otaki and there were more meetings. The chiefs then announced that if any attempt should be made to seize Rauparaha and Rangihæata they would join them in fighting the English. Had the Maoris been wrong in the beginning they would not have interfered; but the white people had been unjust. The chiefs had received Rauparaha and Rangihæata as friends, and would defend them to the last. Spain pledged himself on the part of the English that they would not attack the Maoris without further provocation, and returned to Wellington in peace.

Mr. E. J. Wakefield informs us that he received a message from Rauparaha asking whether there was to be peace or war, and inviting him to a korero at Otaki.

After Spain's retirement, Mr. E. J. Wakefield passed through the district, and saw Rauparaha. It was natural that the nephew should refuse the hand which seemed to him red with the blood of his uncle. Rauparaha "acknowledged the propriety" of the refusal, and said, "It is good." He proceeded to harangue Wakefield upon the Wairau affray, but when Wakefield rose in umbrage to depart, it was promised that the subject should not be mentioned. Other matters were debated. Then it was that Wakefield was struck with unbounded admiration of the imperious eloquence of Rauparaha when he rebuked E Ahu, and told the Ngatiraukawa that they might abandon him, but that he, Rauparaha, would fight the soldiers alone, while all the conscious Maoris seemed to swell with dignity as followers of such an "Ariki," or chief. At a crisis in which no man knew whether the revengeful spirit of the Maori would incite them to rise as one man against the encroaching Pakeha, it was natural the spirit of Englishmen should prompt them to unite to protect their lives. They gathered together to be drilled to arms at Wellington.

Shortland having despatched a company of the 96th regiment from Auckland to Wellington, Major Richmond issued a Proclamation (after friendly conference with the head of the armed associations) intimating that such associations were unlawful and would be dispersed. The settlers were hurt at words in the Proclamation which implied that their previous assemblies had been unlawful, and Mr. R. D. Hanson, Crown Prosecutor, published a letter declaring, in justice to Major Richmond, that the expression was Hanson's and was used inadvertently.

At Auckland, Messrs. Monro and Domett had long conference and correspondence with Shortland, who had his Attorney-General at his side, and was fortified by recent despatches from England. Monro and Domett admitted that the first shot had been fired by the English, but said it was accidental. They contended that the claim of the company to land at Wairau had "not yet been proved to be invalid," that the unfortunate magistrate, Thompson, thought he was executing his duty, and that he had in conversation with one of themselves declared that the former refusal of a warrant to apprehend Rangihaeata was injurious to the British prestige. They believed that had

Rangihaeata "been dealt with in a decided manner," the Wairau "calamity might never have occurred."

The Nelson settlers "confidently expected" that the "enormity of the Wairau crime" would be avenged as soon as a sufficient force could be collected to "render the mandates of the law irresistible." As the Chief Justice had refused to issue a warrant for Rangihaeata's apprehension, it must be admitted that in the excitement of the terrible time, the Nelson delegates were bold in their statements. An acting secretary expressed Shortland's deep sympathy for the irreparable loss sustained. An awful responsibility for the recent bloodshed had been incurred. On the degree of criminality and on whom it rested he would not express an opinion. It might become the subject of judicial inquiry. But the deplorable event had arisen from "surveyors, without the knowledge or concurrence of the local government, proceeding to take possession of and survey land in opposition to the original native owners who have uniformly denied the sale of it."

To "prevent recurrence of such an evil, and that no reason may be given to the New Zealanders to doubt the good faith of Her Majesty's solemn assurance that their territorial rights as owners of the soil should be recognized and respected, his Excellency has caused a Proclamation to be issued (12 July, 1843), warning all persons claiming land in this colony in cases where the claim is denied or disputed by the original native owners, from exercising acts of ownership, or otherwise prejudicing the question of title to the same, until the question of ownership shall have been heard and determined by one of Her Majesty's Commissioners appointed to investigate claims to land in this colony. . . . One of Her Majesty's Commissioners had appointed the end of June last to investigate claims to land in the valley of the Wairau, and but for the recent fatal collision, all claims in that district would, in all probability, at this moment have been disposed of. His Excellency would avail himself of the present occasion to remind the settlers of Nelson and the colonists generally of the principles upon which the British Government undertook the colonization of this country,—That the Queen in common with Her Majesty's predecessor disclaimed for herself and her subjects every pretension

to seize upon the islands of New Zealand, that by the treaty of Waitangi Her Majesty has guaranteed to the chiefs and tribes of New Zealand the full, exclusive, and undisturbed possession of their lands, and that in the Royal Instructions under the sign-manual Her Majesty has distinctly established the general principle that the territorial rights of the natives as owners of the soil must be recognized and respected." With regard to the complaint that the Maoris had "burnt down a house built by a servant of the New Zealand Company upon land which it claims to have purchased, and which claim has not yet been proved to be invalid," his Excellency reminded his correspondents that as to all lands "the title of the claimants was subject to the investigation of a Commissioner to be appointed for that purpose;" that by the Lands Claims Ordinance lands "validly sold by natives were vested in Her Majesty as demesne lands of the Crown;" that by Lord John Russell's agreement the company was to be assigned, "subject to the investigation of a Commissioner," certain blocks of land "under the sanction of the local government;" and that by the same agreement the company had foregone and disclaimed "all title or pretence of title to any lands purchased or acquired by them in New Zealand other than the lands so to be granted to them. His Excellency deems it proper now to inform you that the New Zealand Company has not selected any block of land in the valley of the Wairau, nor has the local government yet received any intimation that it is the intention of the company to select a block in that district. . . . It will scarcely be necessary for his Excellency to give the assurance you require, that the case shall not be prejudged, that impartial justice shall be done, and that the penalties of the law shall certainly overtake those whom its verdict shall pronounce to be guilty."

For the company in England the pen of Somes often signed the productions of Gibbon Wakefield. For Shortland it was known that in this important crisis the clear head and honourable mind of William Swainson explained his duty. The Nelson delegates replied at great length. They extolled the national importance of the company. They urged that "to the natives the greater part of the land is in fact worth nothing." The wisest men have agreed that "the rights of aborigines

to land . . . are not entitled to great respect. . . . If common sense and justice declare these lands to be worthless to the native," surely the advantages of colonization carried on with a due regard to their *real* (*sic*) interests "entitled the company to expect help from the Government in transferring lands to white settlers." It was little "less than madness in dealing with grasping and avaricious natives to exhibit a morbid and ostentatious sensitiveness to native rights; a sentimental scrupulousness about depriving them of possessions the value of which to them is a fanciful chimæra, and has been instilled into them perhaps principally by this very exhibition."

The Wakefield code of morals would seem to have corrupted the very senses of the company's settlers when two highly educated men could thus vie with Sômes in proclaiming their own depravity. Their reasoning faculties seemed to have suffered. They denied that the Nelson magistrates had been rash either in the determination or in the mode adopted to enforce the law at the Wairau. "The men they took with them were sufficient in numbers and ought to have insured success. . . . This was precisely a case in which at least success would have been universally allowed to have justified the attempt, and what possible means did they neglect to insure it? . . . The very order to advance was rather a defensive than offensive step on their part, . . . and in taking this *defensive* step a gun was *accidentally* discharged, and followed immediately by a volley from the natives. . . . That the natives were guilty even according to the written letter of the law we are perfectly certain. . . . Nor let us be accused of prejudging the case." Prejudgment was only wrong where doubt remained. At Wairau there was none. Law was uncertain. They had a higher standard in the human heart. They appealed "to the wide voice of human nature itself wherever not sunk into the lowest barbarism to confirm our verdict and pronounce that punishment should be inflicted on the guilty. . . . White man or New Zealander, British law or Maori custom, savagery or civilization, one must master the other, and that the triumph of the laws of civilization can be attained without some employment of force we cannot believe to be possible."

Dr. Evans' efforts to represent the indignation of the Welling-

ton settlers may be described in one phrase. When Clarke, the Protector, issued an address in Maori expressing the Governor's horror at the massacre of the captives at the Wairau, Dr. Evans retorted by expressing his "horror at the infatuation of the authors" of the papers emanating from the Government. After a time Shortland found occasion to publish Lord Stanley's memorable manifesto of the 1st February, 1843, in reply to those arguments of Somes which bore so strong a likeness to the representations made in New Zealand. Spain, in August, 1843, earnestly invited Colonel Wakefield to facilitate the removal of difficulties, and to "proceed with arbitration, commencing from the precise position" Wakefield had been in when in May, 1843 (before the Wairau horrors), he receded from his promises on the plea that he expected letters from England. Spain expected an "assurance that the amount of compensation shall be paid when my final award is made." Wakefield, whose brother's death at the Wairau made him an object of sympathy, announced his readiness to resume negotiations, but with begging pertinacity asked if Spain would recommend that, in consideration of his consent, a further proportionate quantity of land should be awarded to the company. In announcing his readiness to resume negotiations, Wakefield had the effrontery to tell Mr. G. Clarke: "I infer that you have waived your objection to a cession of the paha and cultivated grounds with a view to inspire confidence in the minds of the settlers and re-establish a good understanding with the natives." Spain knew the shifting sands in which his anchor was thrown while Wakefield's words were in question, and told him that he should still expect, as "indispensable to the resumption of negotiation," Wakefield's "assurance that the amount of compensation shall be paid when my final award is made." Wakefield replied that he had always understood that such liability existed, and that so far as he was concerned he was prepared to take the necessary steps to meet it. Spain answered that whatever Wakefield had understood he had had to complain of previous non-fulfilment of the terms, and added with reference to Wakefield's letter to Clarke, that though Wakefield might use such arguments as he liked with Clarke as referee, "I cannot allow any condition to be imposed upon me through him inconsistent with

the original terms of the arbitration." But it was not Wakefield's intention to be honourable even at this stage. He procured (24th August) the assent of a deputation of settlers to the new terms he sought to impose as to pāhs and cultivations, and in order to extort complicity on the part of Spain, communicated that assent to him. Spain briefly told him that such terms interdicted the resumption of the negotiations. The false Wakefield complained<sup>1</sup> to his employers of "the pusillanimous and treacherous part taken by the local Government in the Wairau murders, . . . but the time is not far distant when the rising generation of Anglo-Saxons will neither want the nerve nor the skill to hold their ground against the savage, and take ample and just vengeance for the opposition we are now encountering." It was ever Colonel Wakefield's habit when detected in any subtlety to make charges against the Government which detected him. He could no longer hope to impose either on Spain or on Shortland. When he strove to overbear the former by the expressed wishes of the colonists, on the 24th August he transmitted to Auckland their appeal to be saved from "impending ruin" by "an immediate and final settlement of the land claims."

Shortland recited the steps taken by the Government to promote, and the shuffling by which Wakefield had evaded, the fulfilment of "an arrangement entered into at his own request and solemnly confirmed at a meeting with the native chiefs at Port Wellington." He did more. He told Wakefield that the solemn assurances of Her Majesty to the Maoris would "never be departed from," and to make it impossible even for the elusive Wakefield to profess ignorance of his meaning, he set forth in terms Lord Stanley's rebuke of the company on 1st February, 1843.<sup>2</sup> Although Shortland maintained the honour of England when the company's settlers, almost with one voice, urged him to befoul it, he was not slow to take such measures

<sup>1</sup> Colonel Wakefield to Secretary of Company, 12th September, 1843.

<sup>2</sup> In a long narrative of the Wairau massacre the 'Nelson Examiner and New Zealand Chronicle' (23rd December, 1844), sighed for the "spirit of the olden time" when Indians were slaughtered by settlers in Connecticut and Massachusetts. "Nowadays we leave to Government the punishment of foes—our own protection. But let it do its duty. . . On these principles we say,—let the executed vengeance of the law secure us protection."



as were available for their protection in case of emergency. He appealed to Sir G. Gipps. Sir Everard Home, in H.M.S. 'North Star,' sailed to New Zealand with troops "to be brought back in the 'North Star,' and not landed in any part of New Zealand except their services be absolutely required for the protection of the lives of Her Majesty's subjects."

It was satisfactory for Shortland to find that Mr. McDonough, the police magistrate, returned from an overland trip from Taranaki to Wellington, and found the Maoris hospitable and peaceful. He saw Rauparaha, who was content to be at rest. Mr. Clarke also visited Rauparaha, and received assurances from him and other chiefs that they would inculcate peace. When at Wellington in September, 1844, Sir Everard Home was entreated by the inhabitants to remain with them. They heard that the Maoris were gathering together at Porirua at the call of Rangihaeata, and that an attack on Wellington was contemplated. They had endeavoured to organize themselves into an armed force, but they had been forbidden to do so, and it was natural that they should now appeal to their countryman. At Nelson also the residents asked that the frigate might remain, or a portion of the military be landed for their protection. Their necessity did not arise from Maori troubles only. Their men employed on public works rose against them in August, and ill-treated the superintendent of works. Mr. Fox bitterly imputed his distress to the inability of the Government to control the working class, who were settlers holding land and working at stated times in creating those public works which enabled the company to claim extension of territory. Sir Everard Home saw no necessity to keep the man-of-war at Nelson to control the Maoris. On the contrary, under his ægis, Major Richmond hearing that the company had recommenced the Wairau survey, sent for the surveyor, who when warned of his responsibility, promised to recall his men, and promptly did so. Wakefield, to whom Richmond wrote on the subject, said that the surveyor, working on contract, was acting on his own responsibility. It appeared that a boat belonging to the New Zealand Company had been taken by the natives after the Wairau massacre. Sir Everard informed Rauparaha that he had not come to attack the Maoris, as was falsely reported, and

recommended that the Maoris should go to their homes. Receiving no answer, he went with Major Richmond, anchoring his ship under Mana, and sending Clarke, the Protector, on foot beforehand to induce Rauparaha and Rangihæata to await him. They did not do so, but he saw proofs that no warlike muster was in progress, and proceeded to Kapiti. Landing there, he saw at the pah (where lived the much-respected missionary, Hadfield), Raupahara and another chief, with about fifty followers. Raupahara denied that he was instigating quarrels. He was allaying the irritation caused by the provocations of the Europeans. But what did the Pakeha intend? Why, he asked, had Sir E. Home come, if not to fight and destroy? Home replied that the Queen's ships went everywhere, that his object also was to preserve peace rather than make war, and that Rauparaha should not believe reports, but ascertain truth through Major Richmond, Mr. Clarke, or Mr. Hadfield.

When the conference was over, Rauparaha, on being asked to do so, wrote a note, desiring that the company's boat should be given "to the chief of the ship. Give it to the chief for nothing. These are the words of Te Rauparaha." The boat was immediately given up. It appeared that when previously asked about it, Rauparaha said it would have been given up if the company had not recommenced the Wairau survey, which Richmond now told him had been discontinued. The Maoris cheerfully put the boat into Sir E. Home's hands, and it was taken by the man-of-war to Nelson, where it was given up to Mr. William Fox, whom Colonel Wakefield had appointed agent for the company at Nelson in succession to the unfortunate Captain Wakefield.

How well founded were Rauparaha's suspicions about the inhabitants was shown a few days afterwards (13th October), when Home was requested at Nelson to execute a warrant signed by four magistrates, Duppa, Dillon, Tytler, and Monro, for the apprehension of Rauparaha and Rangihæata for murder at Wairau. He declined. They "mistook his functions" in imagining that he was "bound by law to enforce any act authorized by warrant from two magistrates." He would "on no account do anything contrary to his judgment of what was right." Reporting this interview to Governor Shortland, Home

stated that in his opinion "none of the settlements he had visited had anything to fear from the natives so long as they are fairly dealt with." Revenge rather than impartial justice appeared to be sought by those who had "supposed that he would have been honoured by the execution of the warrant" put before him. There were others at Nelson who took no such view, and showed no such distrust of the local Government. A force was wanted at Nelson "not to repel the attacks of the natives, but to restrain and keep in subjection the English labourers brought over by the New Zealand Company, who have, I believe, been in open rebellion against their employers more than once." Sir Everard Home left the settlements in peace in October. The inhabitants at Wellington, headed by Mr. William Fitzherbert, applied to Shortland in November to relieve them from the disastrous position in which the land question was placed. Shortland rejoined that if Colonel Wakefield had not "declined to carry into effect (the compensation arrangement which) he had not only agreed to but himself proposed, "the settlers might long since have been placed in peaceable possession of their lands." Under existing circumstances Shortland fully concurred with Mr. Spain that it would be highly impolitic to enter again upon the arbitration, unless the "compensation money were forthcoming concurrently with the award," and "that a second disappointment of the natives should on no account be risked." Shortland would only place settlers in possession of land to which they could "prove themselves legally entitled;" but he would bring their memorial before Governor Fitzroy, on his arrival.

Captain Fitzroy reached New Zealand in November, 1843, and in January, 1844, betook himself to Wellington, in H.M.S. 'North Star.' He had endeavoured to obtain precise instructions from the Colonial Office as to land claims, the waiving of pre-emptive Crown rights, and the acceptance of a settler's estimate of his time and his expenses in building or improving, in order to determine the extent of his claims. The answers to two of his questions were vague. To the last the answer was in the negative. No such estimate could be allowed. In conclusion, no hope of obtaining more soldiers was held out, and as to controlling or interfering with the natives, Lord Stanley said :

“It would be vain for me to attempt, at this distance, to encounter by anticipation the difficulties which will gradually disclose themselves to you.” Fitzroy’s temperament made the disclosure by no means gradual. He gave offence at once to Shortland by commending ostentatiously the principles of a newspaper which had reviled Shortland during his vicarious rule. Shortland resigned his office as Secretary, and the Colonial Office soothed his feelings by appointing him Governor of the island of Nevis. He had not made himself popular, nor had he been successful in his difficult office at New Zealand. In April, 1843, a violent petition was sent from Auckland, praying that Shortland might not be appointed Governor. In November, 1843, many inhabitants at Wellington with equal vehemence and inaccuracy assailed him for denial of justice. A reference to the Chief Justice proved the untruth of one of their allegations.<sup>1</sup> Fitzroy arrived at Wellington on the 26th January, 1844, and reported to Lord Stanley that the place was quiet, and the land claims would be entered upon immediately. His appointment had given umbrage to the company’s people. He received a deputation at which settlers pressed for vengeance against the natives; while on the other hand Maoris told him that the settlers showed evil dispositions towards them. Fitzroy was so unwise as to lecture Mr. E. Jerningham Wakefield in the reception-room where he held a *levée*. Lord Stanley’s instructions had guarded him against making common cause with those who unlawfully went against Rauparaha at Wairau, but to rate violently one of their friends at a public *levée* for letters he had written, was an indiscretion against which not even the microscopic control of the Colonial Office could guard. Mr. E. J. Wakefield subsequently obtained an interview with the incautious Governor, and angry speeches resulted. The settlers felt that the gauntlet was thrown down. In his reply to a memorial Fitzroy said that the Maori chiefs could not be expected to “submit tamely to laws administered with such evident injustice as that which, to the disgrace of our nation, characterized the fatal proceedings at Wairau. . . . I feel it imperative on me to remind you that our countrymen were there the aggressors; that the principal magistrate was acting

<sup>1</sup> 1844, vol. xiii. p. 264.

illegally." Nevertheless he sought to allay ill-feeling and to compound differences about titles to land.

On the 29th January, he conferred with Colonel Wakefield at Major Richmond's house. Mr. Spain, Clarke the Protector, and Mr. Forsaith (Protector and Interpreter) were present. At Fitzroy's suggestion (that Colonel Wakefield should have a friend to consult) Dr. Evans was sent for. After long discussion of past correspondence, and reference to his inquiries in England before sailing to New Zealand, the Governor categorically asked whether Wakefield was "prepared to make a fair compensation to those natives who might be entitled to receive it, without including their pāhs, their burying-places, and their grounds actually in cultivation." Not without dissuasive remonstrances, Wakefield at length declared that he was so prepared, and would provide the funds without delay. There was an ominous discussion as to the meaning to be attached to the words "pāh," and "cultivation-grounds," but the result of the conference was to compel the company to make a fresh promise to comply with its former promise. Mr. Spain triumphed. He was requested by Fitzroy to act as umpire on disputed matters between Colonel Wakefield and Clarke; and Fitzroy urged the latter to be as reasonable in his demands as "strict justice would allow." Mr. Forsaith kept notes of the conference.

Lord Stanley's firmness in England had made Colonel Wakefield hopeless of success in slighting the just claims of Maoris; but though he yielded to Fitzroy's decision he wrote to London: "The very decided assurance Governor Fitzroy has given me that no grant of land shall be made to the company until the further payments be made under the award of the Commissioner leaves me no alternative but to pursue the negotiation for each district without delay. Serious doubts are entertained by many of our most intelligent settlers whether these further payments will have the effect of ensuring quiet occupation of the land, and I cannot but participate in such doubts after the repeated breaches of contract I have witnessed on the part of the natives." Thus utterly incapable of "seeing himself as others saw him," Wakefield reluctantly consented to do that which he had himself originally proposed with an under-thought that influence in England might enable him at a future time to qualify or destroy

his liability. The Governor proceeded to Nelson, receiving and replying to a public address there. He invited the magistrates to a conference, and animadverted on the fact that some of them had been so imprudent as to ask Sir Everard Home to execute a warrant to bring the bodies of Rauparaha and Rangihaeata before them.

There were not many legions in New Zealand, but Fitzroy was master of such as were there, and the magistrates did not reply. Three of those who had signed the warrant resigned after their interview. Mr. Fox was present, and kept notes. He also was silent, but recorded his opinion gravely in writing, to the effect that the attempt to execute warrants upon Rauparaha and Rangihaeata was fully justified by Cotterell's information laid before the magistrate Thompson. Mr. Fox privately urged the claims of the New Zealand Company, and when Fitzroy suggested that if the Wairau claim were postponed the natives might amicably sell the land to the company, Fox said that they had bought it once. Fitzroy said that was to be decided by the Land Commissioners. Mr. Fox having migrated to Wellington to practise at the bar, had accepted office as agent when Colonel Wakefield desired to secure his services at Nelson. He was to play a leading part for many years in the colony. He pressed for a military force to coerce the European working class. Fitzroy would not send a detachment of troops, but thought he might send a ship of war to arrest ringleaders. He received a deputation of working men, and told them he would endeavour to find them employment, but would put them down if they should become disturbers. The deputation of settlers which had presented the public address sought for a private interview on the following day. Their spokesman, Mr. McDonald, upheld the conduct of the magistrates, and handed in his own resignation. It was not thus that a British sailor was to be daunted. Fitzroy roundly rebuked him and his abettors, who were "raising for themselves a character for rudeness." At the "close of his harangue he rose while speaking, wished them good morning and retired." The deputation thought it necessary to disclaim complicity with their spokesman, and presented a statement to that effect to Fitzroy as he was returning to his ship. He received them again on the following day, and dis-

cussed some local wants. A Maori deputation waited on him. He promised them even-handed justice ; punishment if they offended ; protection if they should be injured. Mr. Fox's narrative admitted that the Governor "declared very fairly his intention of maintaining even justice between the two races." To the jaundiced eyes of Mr. E. J. Wakefield, it appeared that his conduct was intolerable, and made Nelson "overflow with the greatest indignation." The Governor desired to see Rauparaha, and sailed in the 'North Star' to Kapiti. There he attended Divine Service on shore. The good missionary, Hadfield, officiated. Besides the Governor's narrative, with notes, a diary was kept by Mr. F. Dillon Bell, to whom a passage was given in H.M. ship. Mr. Bell had been assistant-secretary in London to the New Zealand Company, but had recently immigrated to Nelson, holding powers for absentee owners of land. Several hundred natives were present ; and, before the service, Fitzroy heard many of them catechised. Rauparaha sat near, observing. The Governor took no notice of him, though Sir Everard Home, as an old acquaintance, shook hands with him.

On the following day, 12th February, 1844, Fitzroy landed to hold conference at Waikanae. Again hundreds of natives were assembled. Major Richmond and Clarke, the Protector, met the Governor on shore. Rauparaha sat near the Governor's chair. Rangihaeata, present at the old chief's request, was behind other natives who were seated in a semicircle around. Fitzroy told them his mind was dark when he encountered at Sydney the tidings of the Wairau affray. He had come to discover the truth. He had heard the European account, and wished to hear that of the Maori, that he might judge. When he first heard of the massacre he had thought of vengeance for the slaughtered English, but finding that they had behaved improperly he came calmly to judge the whole matter. Clarke, the interpreter, repeated his speech in the Maori tongue. No native rose to speak, and Fitzroy directed Clarke to invite Rauparaha to do so. The old man rose. He said the dispute was about the land. He denied that he had sold any land to Wakefield except at Blind Bay and Massacre Bay. He narrated his transactions in 1839 ; told how he had warned the surveyors at the Wairau, and had had a "korero" in Captain Wakefield's house at Nelson,



at which Wakefield threatened violence, and Rauparaha and Rangihacata had said they would not submit to it. Minutely he narrated every circumstance.

The rest of the tale the reader knows; the demand for his person, the refusal, the fight, and the massacre. Thompson the magistrate asked Rauparaha to save him. Rangihacata said: "Your daughter!" Rauparaha said: "A little while ago I wanted to talk to you in a friendly manner, and you would not. Now you say, Save me: I will not save you." It was their custom after battle to kill the chief men of the enemies. Fitzroy told the interpreter to tell the old man to sit down while he decided what to say. For half an hour the natives sat observant while Fitzroy wrote with a pencil and consulted the interpreter. Then the Governor rose and said: "Hearken, O chiefs and elder men, to my decision . . . In the first place the Pakehas were in the wrong; they had no right to build houses upon the land the sale of which you disputed, and on which Mr. Spain had not decided; they were wrong in trying to apprehend you who had committed no crime. . . . As they were greatly to blame, and as they brought on and began the fight, and as you were hurried into crime by their misconduct, I will not avenge their deaths."

He told them that the Maoris had committed a terrible crime in murdering men who, relying on their honour, had surrendered. They must live peaceably. He would do equal justice; and no land should be taken which they had not sold. Fitzroy then returned to the 'North Star' after announcing that Major Richmond was the superintendent of the southern districts, and impressing on the Maoris the necessity of resorting to him and to the missionaries for advice in all cases.

It is almost unnecessary to say that Mr. E. J. Wakefield railed at the Governor for his decision about the Wairau massacre. It was hard for a nephew to bear the loss of a gallant relative in so cruel a manner; but it was the verdict of a nephew, not of a judicial mind, which made Mr. Wakefield declare that the company's officers were "in the right" in the affray. Mr. E. J. Wakefield, indignant at the rebuke inflicted upon him at the Governor's levee, by which he thought "the pleasure of his friendly relations with the natives must necessarily be impaired,"

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at once left the colony, and in the following year published in London his 'Adventures in New Zealand.'

The strange contrasts in New Zealand life were shown by the fact, recorded by the Governor, that as he was about to leave Wellington, "the Lord Bishop of New Zealand arrived from Stewart's Island and Bank's Peninsula in a small coaster of about twenty-five tons burthen, owned and commanded by a chief named Tuhawaiki, well known in New Zealand. With his lordship, his sole companions were a son of Rauparaha and five natives." It was from Tuhawaiki that Rauparaha only succeeded in escaping by swimming in the sea to his fleet of canoes, on one of his bloodthirsty raids in the Middle Island. The Governor made several appointments, of magistrates and others, to administer justice and deal with public accounts. His own influence was called in to conclude a land negotiation. The Te Aro Maoris required larger compensation for past deficiencies than had been awarded. They hoped to induce the Governor to yield to their demands.

The Governor, at Mr. Spair's Court, in presence of Major Richmond, Clarke, Forsaith, and Colonel Wakefield, harangued the Maoris at some length on the Queen's justice and clemency, and the righteousness of Mr. Spain's award. The money was on the table. The Maoris, after two days' discussion, finding the Governor immoveable, accepted the money allotted to them. Colonel Wakefield's proposal that a defective purchase should not be annulled, but be made complete by subsequent compensation, thus served to eject the Te Aro Maoris from an important site in the future capital of New Zealand.

Captain Fitzroy was called upon to determine questions relating to a new settlement—a Scotch settlement—about to be made by the company. Colonel Wakefield required 200,000 acres for it in the Middle Island. The Crown had bought none there. The company had proved no claim elsewhere than at Nelson. To overcome the difficulty the Governor waived the Crown's right of pre-emption over 150,000 acres in the Middle Island; but, warned by the Wairau catastrophe, he appointed Mr. J. J. Symonds to superintend the transaction. Mr. Symonds had been a surveyor, and a sub-protector of aborigines, and had been recently made police magistrate at

Wellington by the Governor. He spoke the Maori language, and received strict instructions to inform the natives that they were to be free to sell as pleased themselves. Mr. Spain was at the same time required by the Governor to superintend the selection of 150,000 acres by the company at Wairarapa, and of not more than 250,000 acres elsewhere, within the limits claimed by the company under Mr. Pennington's award; the Crown right of pre-emption being waived under certain conditions. Mr. Tuckett, who had escaped at the Wairau, was appointed by Colonel Wakefield to co-operate with Mr. Symonds in selecting lands at the site of Otago. Not even the Wairau disaster could teach Tuckett wisdom. He insisted on surveying land without the consent of the owners or of Mr. Symonds. The latter had armed himself with instructions in case of such an occurrence, and declined to sanction, even by his presence, such a procedure. He reported to Major Richmond his withdrawal from the negotiations. Colonel Wakefield was a wiser and a sadder man. He instructed Tuckett to conform to Symonds' requirements, but insinuated that he was not much to blame, inasmuch as partial preliminary surveys were permissible where the Maoris did not remonstrate.

Major Richmond overthrew the suggestion by reminding Colonel Wakefield that Symonds had received peremptory written instructions that no survey was to be allowed except upon alienated territory, and that in Colonel Wakefield's presence, Major Richmond had insisted verbally that "nothing must be done without the sanction of the Government officer." Colonel Wakefield sent his brother, Mr. Daniel Wakefield, to propitiate Tuckett; but the obstinate surveyor was intractable, and Symonds again withdrew. Colonel Wakefield himself then went to Otago, and with his aid the insolent surveyor<sup>1</sup> was controlled. On the 31st July, 1844, Tuhawaiki, Taiaroa, and twenty-three other Ngaitahu chiefs signed a deed conveying land to the company, and making certain reserves "for themselves and their children." The consideration was £2400. Symonds, Tuckett, and Clarke, junior, with another, signed on

<sup>1</sup> In one of his letters to Mr. D. Wakefield, Tuckett said of Richmond (the "Superintendent of the Southern Division" of New Zealand): "I regard him as little as Mordecai did Haman."

behalf of the European contracting authorities. There were some English settlers on the spot whose claims Mr. Symonds commended to the Government. He also adverted mournfully to the palpable fact that intercourse with "Europeans" (chiefly whalers), "and intemperance and epidemic diseases introduced by them were rapidly destroying the natives. I am the more confirmed in this opinion, not only from personal observation, but by the melancholy forebodings of the chiefs themselves."

When Governor Fitzroy returned to Auckland, in March, 1844, troubles awaited him. The attempt to seize land by force at Wairau had raised suspicion in the Maori mind. There were mutterings. Honi Heke, a son-in-law of Hongi, had been heard to ask if "Rauparaha was to have all the honour of killing Pakehas?" A spark had nearly set the native passions on fire. Imprisonment was shrunk from by a "Rangatira" as a slavish insult intolerable to a gentleman. A native named Manaia was convicted (20th February, 1844) and sentenced to imprisonment for theft. Before he could be removed from the dock a chief, Kawau, and others started up, brandished their tomahawks, and dragged the culprit away in the sight of the bewildered functionaries. The sheriff assisted in endeavouring to close the doors, but the Maoris burst them open and escaped with their countryman.

Major Bunbury, Her Majesty's 80th Regiment, commanded at Auckland during Fitzroy's absence. The Executive Council met on the 21st of February to consider the propriety of executing a warrant to apprehend Kawau, which the police magistrate had issued. Mr. Clarke, senior, Chief Protector, wrote to Kawau that he had done a great wrong, and must bring back Manaia.

Kawau replied: "Friend Mr. Clarke. Salutations. Listen. I will not go to you. Would it not be better for you to come to me? Yes. Do come here. Come to me: that is all. I have finished. Listen to me. Because evil is increasing the love of many grows cold."

Clarke knew that the last figurative sentence meant that the Maori was becoming suspicious of the Pakeha. He produced Kawau's letter before the Executive Council, and told Major Bunbury and his advisers that he was satisfied that the Ngati-whatua would never permit Kawau to be taken alive.

Clarke retired. Bunbury asked if it was essential to vindicate the law. The Colonial Secretary, Sinclair, objected to the use of force in the Governor's absence, and thought the available force insufficient. The Attorney-General, Swainson, thought so flagrant an act ought not to be overlooked, whenever the Government might have sufficient force. The Colonial Treasurer, Shepherd, concurred with the Colonial Secretary. Major Bunbury "feared that the aristocratic feeling" might spread among the tribes, and induce them to aid Kawau. He thought he could arrest him, but he could not defend the scattered settlers from acts of vengeance. The use of force was reserved for the Governor's consideration. At Swainson's suggestion the Chief Protector was asked to urge the chiefs to use their influence and cause Manaia to be yielded to the law's demands.

The missionaries brought about a peaceful surrender of the culprit. Fitzroy returned. Kawau admitted that he had infringed English law, but urged that compensation in money satisfied that of New Zealand and of the Scriptures. Eventually the Governor and his Council met Kawau's views. A portion of Manaia's sentence was remitted, and a Native Exemption Ordinance was passed (July, 1844), by which natives restoring fourfold the value of a thing stolen might escape imprisonment. Natives were only to be arrested by two chiefs of their tribe, and in civil suits were not to be liable to imprisonment. Except in cases of rape or murder, a native charged was, on making a deposit, to remain at large till the day of trial. Mr. Swainson, the law-maker, thought that by such an adaptation to the feelings of the Maoris many offenders were allowed to be taken who would otherwise have set the law at defiance. The colonists "were not" (he said) "dissatisfied with the exceptional character of the law," since their property or its value was restored to them. When the Ordinance met Lord Stanley's eye, he feared that the zeal, however laudable, for the welfare of the Maoris, which dictated it, had outrun discretion. The Governor (Grey) was directed to suggest amendments. In November, 1846, he reported that he "thought it better at once to repeal it." His position enabled him to dispense with such anomalous help.

The land question at Auckland, in 1844, differed from that at Wellington and Nelson, but presented its own difficulties. Under the treaty of Waitangi the Government only could buy land from the Maoris; but little had been bought. The natives were discontented with their inability to sell to others what the Government could not or would not buy. To obviate the difficulty Fitzroy, in March, 1844, by Proclamation, allowed settlers to buy from the natives on paying ten shillings an acre to the Government. Little land was sold on these terms; and the purchasers, while haggling with the natives, averred that the sum claimed by the Government injuriously clogged their transactions and reduced the price they could offer. It was noised abroad that Fitzroy's Proclamation violated the treaty of Waitangi, which guaranteed to the Maoris freedom of sale at such prices as they might think fit, subject to the pre-emptive right of the Crown. The new demand was represented as a juggle, and the chiefs determined by a display of force to impress their importance upon the Governor's mind.

The Waikato tribes gave a great feast at Remuera, close to Auckland, in May, 1844. The Governor described the scene. Accompanied by officers and escorted by Putini (son of Wetere, a Waikato chief second only in influence to Te Whero Whero), and other chiefs, he rode to Remuera. Natives of seventeen tribes were gathered there. The powerful Waikatos were 800 in number.

As Fitzroy appeared in sight a general shout of welcome arose, and the nearest tribes danced and brandished their weapons in unison. Dismounting, the Governor shook hands with the chiefs near him and saluted others generally. Ceremony enforced a pause, while it was doubtful what tribe he should first visit. "It was, however, quickly decided that Te Whero Whero and Wetere, as the givers of the feast, should be visited first, and that I should then go round the encampment, taking each tribe in local succession, without regard to relative influence or numbers." Some chiefs were in European clothes; some had gay scarfs, while some wore only a large wrapping mat, a mantle, or a blanket.

After the circuit of the encampment a sham fight took place. The adverse bands occupied hills, a mile apart. "With

muskets glittering in the sun, their tomahawks and clubs waving in the air, they stamped their wild war-dance, and then, alternately, rushed thundering down the slope. Halting as one man in front of their opponents, each party again defied the other in dance and shouts and yells. Then one body, the strangers, fled up the hill, halted, danced, rushed down again at their utmost speed and again halted, like soldiers at a review, at the word of their chief, within pistol-shot of the adverse party, who were crouched to receive them with spears, the front ranks kneeling, the mass behind, about forty deep, having muskets and other weapons in readiness. Each body consisted of about eight hundred men, in a compact mass, twenty in front and forty deep. Their movements absolutely simultaneous, like well-drilled soldiers. The lines along which these bodies ranged were crowded by natives, by English, by women of both nations, and by children, as if it had been a race-course. The sight was indeed remarkable. It was wonderful to see women and children gaily dressed wandering about unconcernedly among four thousand New Zealanders, most of whom were armed, and many utter strangers as well as heathens." Some Christian natives took no part in the sham fight, but with their missionary teachers approached, unarmed, the spot where the warrior bands had halted. There they sat down and listened to the speeches of welcome and good feeling, which continued till near sunset. The orators walked "to and fro, among or in front of their party, sometimes running or jumping, seldom standing still." Then came the division of the feast. One long shed was covered with blankets, of which the Waikatos presented more than one thousand to their visitors. Sharks of various sizes and potatoes were hung up and stored in settled divisions, and at a given "signal from Te Whero Whero one general attack commenced, and each party vied with the other in carrying off quickly to their encampment the portion of blankets, sharks, and potatoes which had been allotted to them by the liberal Waikato. . . . The great majority of the English who were present, not less than a thousand, including women and children, returned in small straggling parties at various times with as much confidence as if they had been returning from an English fair. I heard of no instance of



misconduct or rudeness, neither was there any theft or even pilfering."

On the following day, Sunday, many Christian natives attended Divine Service in Auckland, while the heathens looked on; but the majority of the Christians attended Divine Service conducted by missionaries at Remuera. On Monday the gift-potatoes were, at daylight, borne for sale to Auckland on the backs of the Maoris. At eleven o'clock Fitzroy formally received the chiefs at Government House. About two hundred attended. Te Whero Whero was at the Governor's right hand. After a short speech of salutation returned by two of the chiefs they waited for the Governor to address them. After a pause he suggested that the chiefs should discuss any matter in which he could advise or assist them. On a proposed sale of land, at Kawhia, to the Government, they handed in a letter. Fitzroy told them he did not contemplate purchasing at present, but their memorial would be preserved for reference. Then he made them a long speech of kindly compliment on their friendly gathering and their attention to missionary teaching. He urged them to cultivate the arts of peace, produced to them a piece of woollen cloth manufactured in New Zealand, and recommended them to encourage pastoral pursuits. He deprecated the unclothed condition in which "a very few" of the Maoris had exhibited themselves on Saturday. He did not wish to interfere with their customs, however. A sailor himself, he recognized the duty of fighting for his country, and honoured patriotism in them. He was, with the learned men now present, the Chief Justice and Attorney-General, endeavouring to prepare a law<sup>1</sup> to meet the peculiar condition of the Maoris as to compensation for offences in lieu of imprisonment, two or three chiefs being made responsible.

Wiremu Nera of Waingarua then spoke. Admitting that the New Zealanders had been wicked before the missionaries taught them Christianity, they were now improved, and had sought the guardianship of the Queen. "We are now anxious that our lands should be secured to us so that a check may be put upon the English urging us to sell those lands that we cannot part with." The English should take pains that the evil

<sup>1</sup> The Native Exemption Ordinance of July, 1844, already alluded to.

customs of the Maoris might be gradually cast aside. The proposed regulation as to non-imprisonment of the chiefs was very pleasing. Te Whero Whero then was called upon by Te Kanawa to speak. He changed the subject abruptly. The island Motiti, near Tauranga, was claimed by the Ngatiwakaue, who occupied it, and by the Matamata tribe, who were, under Pohepohe, four hundred strong at Remuera. Let them vacate it. "See, contrary to our old ways are we come, that it may be adjusted quietly; not by force of arms to dispossess the present inhabitants, but breaking through those customs we are come that, by the intervention of the Governor, the tribe of Ngatiwakaue (Arawa) may be persuaded to depart in a peaceable manner." Kiripaka and Pohepohe spoke also. The island was sacred and dear to them. Te Kanawa urged the Governor to comply with the request. "Let the Governor look round the room; if Motiti be not quietly given up to these chiefs, eyes that are now looking at the Governor may never see him again. Blood will be shed and friendly visits prevented." Wiremu Nera followed in the same strain. Fitzroy was anxious to please them, but could not decide on the statement of one side. He would send an officer to inquire, but he would only use peaceable means. Various chiefs spoke in praise of all they had heard from the Governor. Waka Nene, who had so effectually aided in inducing the Maoris to ratify the Waitangi treaty, was the last speaker. The Ngapuhi tribe, of which he was one of the chiefs, numbered 12,000. "How will the chiefs receive the instruction that has been given them to-day? Will they receive it rightly or wrongly? Many of them will receive it well. We are at present like children, and need to be borne with as children when they are receiving instruction. Let all remember what has been said to-day; it is very good, and let it be received as such."

As the tribes dispersed homewards a freak of native custom produced a bad impression. Some Matamata (Ngatihaua) natives, in open day, committed depredations at Papakura, about twenty miles from Auckland. On return from a great feast, thus to pillage a friend in broad daylight was a recognized custom. Te Whero Whero was indignant, and sought an interview with the Governor. He felt disgraced, though none of his

tribe were implicated. Rather than no reparation should be made his tribe would pay any compensation demanded by the Governor and even undergo imprisonment. Fitzroy disclaimed any desire for such a result. He would demand compensation of Pohepohe, discontinue land negotiations with him, and leave the Motiti Island dispute untouched, till restitution should be made. The assembled chiefs applauded this proposal. Te Whero Whero turned to a Matamata chief and said: "Tell them that like mean men they took advantage of the absence of their chiefs to behave like cowards, like dastards. If they wanted to fight why did not they attack men instead of two or three old women? They deserve to be considered as dogs and treated as such by their tribe. And tell the Matamata people that I and the other chiefs hold ourselves as hostages to the Governor for their misconduct, and that it is owing to his goodwill, and entirely as a matter of favour, that I am now at large instead of being in prison." He told Fitzroy he would write to Pohepohe, and if reparation were not made the Waikato would be responsible. They had no produce but pigs, flax, and potatoes, but these should be given to any extent.

Fitzroy could not sanction this pledge. He doubted not that the Matamata tribe would do right. The Matamata chief then spoke. Had the Governor accepted Te Whero Whero's proposal, he would have gone away with darkened heart. "The sun has again shone on us. I shall return rejoicing, and all in my power shall be done to obtain compensation for the English at Papakura. What the eye can see and the ear can hear of shall be restored." Tarapipipi (William Thompson) was a Christian chief in his tribe, and he could not tell what steps he would take. He might perhaps wish to treat the culprits by English custom, and be opposed by those who have not become Christians. Nevertheless all would with one voice give reparation. Fitzroy complimented Te Whero Whero and the chiefs generally on the good order prevalent at Remuera. Te Whero Whero expressed his gratification. "It was true that it had been the former custom on such occasions to plunder on the way home, but with their present knowledge of English customs, the conduct of the Matamata people was disgraceful." It was some time before

restitution was made; but when the tribe reached Matamata, Tarapipipi (the son of Te Waharoa) ordered a red table-cloth, part of the stolen property, to be hoisted on a pole, declaring that it should remain there till all the property of the Europeans was deposited at its base. Most of it was soon brought in. For what was lost the chiefs determined to pay compensation in land or in pigs, and Mr. Edward Shortland, the Protector of aborigines, proposed the latter, leaving the quantity to the chiefs, who were disposed to act liberally. Tarapipipi, the future king-maker, wrote to Fitzroy when restoring the goods and making compensation: "Darker than the darkness of a gloomy night without stars is the gloominess of my heart on account of the conduct of these disreputable fellows . . . I cannot describe the load of shame I feel on account of this plunder. But you must not suppose that this behaviour is a novelty. No, it is of old; like my own dispositions for mischief formerly. It was so with me, not under the influence of Christianity, but when following our old customs. I inherited an evil disposition from my forefathers, descending downwards to my father, and from him to me; but when Christianity came I was taught to be kind, and to protect my fellow-creatures, which I continue to do to this day. Now I have collected the property plundered, which I send by the 'Victoria.' Three pigs are in payment for the assault committed on the European."

In describing the Remuera gathering, to Lord Stanley, Fitzroy said that it was partly in return for a feast to the Waikatos in a former year, partly to show the rangatiratanga (or honourable position) of Te Whero Whero, and also as a demonstration planned with reference to its effect on the English. He doubtless aimed in his own despatch to produce an effect upon Lord Stanley. How could he govern by force a nation which could in a few days sweep every foreigner from its soil?

The enemies of the Maori and of the missionaries alleged that this display of physical force was not without its influence on Fitzroy's mind. But there was quite enough of the appearance of justice in the arguments against the ten-shillings-an-acre Proclamation to induce the Governor to revoke it, and substitute a nominal payment of one penny an acre as the recognition of the Queen's paramount right. This change, however, was not

made until October, 1844. Nearly fifty times as much land was bought from the natives under the substituted Proclamation as had been bought under that which it superseded. Both were eventually disallowed by Lord Stanley. Meanwhile colonization was partially paralyzed. The New Zealand Company and their friends were exasperated at what they considered the success of the missionary party, and the impunity of the Maoris. Spain privately warned Fitzroy that designing men were instigating Rauparaha to mischief, and that a military force, not to harass or attack, but to exhibit capacity in case of need, ought to be at hand. The settlers at Auckland were as thoroughly convinced as Fitzroy that there was no European force in New Zealand able to cope with the Maori warriors assembled at the feast of Remuera. The company's friends meanwhile were sedulous in disparaging Fitzroy in order to effect his removal. They relied on their friends in Parliament. In the same month that the Remuera feast was held, Mr. Spain's Land Claims Court was to sit at Taranaki (or New Plymouth) to decide on the claims of the New Zealand Company to the enormous territory alleged to have been purchased by Colonel Wakefield's agent in 1840, and by himself on various occasions. Spain and Wakefield travelled in company to the scene. How the pretended purchase was made in 1840, by Dorset and Barrett, has been told already. That the signatures of children and others in an uncomprehended deed of sale could bar the rights of the Ngatiawa, who had voluntarily migrated under Te Rangitake, whose intention to return was publicly known; or bar the rights of manumitted slaves reverting by Maori law to their former rights, was so glaring an assumption that only in force could Wakefield and the Taranaki settlers trust to enable them to go in and possess the land. That Hobson paid a small sum of money to Te Whero Whero and to Te Kati for the interest of the Waikato tribes (whatever they might be) has been also told, together with Hobson's admission that the Waikato claim (from conquest) was not a primary one, because all occupants must first be satisfied.

It is much to be lamented that Spain did not perceive the justice, indeed the necessity, of recognizing the claims of absentee proprietors. Each Maori community held its land in

common ; and no occupant enjoying usufruct of his cultivated ground could alienate it from the tribe. Only tribal consent could break the bond which linked each member to the common property, which sustained the body politic, which was endeared to them as the land of their birth, and was made sacred by the burial-places of generations of those ancestors who in Maoria as in ancient Italy were worshipped or revered with religious devotion, and whose images were carved with care in the great house of the tribe. Although unversed in Maori usage, Spain might have respected the principles which, if he had real property in England, enabled him to return to it.

It was fortunate that under the Land Claims Ordinance it was not obligatory upon the Governor to confirm the award of a Commissioner. This wise precaution of Sir G. Gipps had been re-enacted by Hobson on the New Zealand law. Colonel Wakefield always averred that E Puni, by whose aid he secured land at Petone, recommended him to buy the land at Taranaki ; but he did not procure Puni's signature to the deed which pretended to convey the land at that place to the company. The deed to which he procured signatures at Kapiti from Rauparaha, Hiko, and nine others, on the 25th October, 1839, affected to convey the land, but it was notorious that some of the signers never claimed any interest in Waitara or Taranaki lands. Some marks were added by proxy to the deed, and Wakefield did not venture to submit it formally to Spain. There was a second deed, signed on the 8th November, 1839, on board the 'Tory,' in "the most tumultuous scene" Wakefield had witnessed. This also Wakefield thought it prudent to abandon (with all its gifts of rivers, harbours, forests, and of Mount Egmont, and a direct line from Mokau on the west coast to Lat. 41° on the east) in favour of a third, executed as may be remembered at Taranaki, on the 15th February, 1840, under supervision of an incompetent interpreter, who professed to buy from about seventy men, women, and children at Ngamotu, numerous rivers, forests, harbours, and mountains for a few blankets, guns, powder, and goods, of which a pound of sealing-wax was the last mentioned. Mr. Spain's report (12th June) adverted to the carelessness of the company in its alleged purchases—to the procurement of a few signatures, and the

insertion in deeds of boundaries comprising millions of acres, upon the surface of which lived thousands of "resident natives who were the actual cultivators of the soil," but whom Wakefield did not consult.

Mr. Spain affirmed that Vattel laid down the doctrine that actual occupiers and cultivators ought not to be dispossessed by immigrant colonizers, but did not recognize the *jus postliminium* which prevailed in the land; and in spite of the asseveration of their European advocate, and the evidence of native chiefs, he set the right at nought. Though earnest to elicit the truth, he may have failed to understand all the problems of the case. The laws and customs of the dusky owners were foreign; the language in which they gave evidence was rhetorical and oracular. Continually an answer was accepted in a different sense from that which the witness intended. Spain was "happy to find" the Taranaki purchase free from the objections which tainted the other transactions of the company. A restored chief was cross-questioned by Colonel Wakefield as to having been enslaved by the Waikato. With evident reluctance the opprobrious fact was admitted. Wakefield, ignorant or contemptuous of Maori law, said, "When you were taken prisoner did not you forfeit your right to land according to native custom?"—"No, I do not lose my right to land." Spain interposed to extort from the witness an admission that he was aware that Captain Hobson had bought the captured lands from the Waikato chiefs. The chief denied that he had ever heard of such a purchase, and Spain discredited his answer; but Maori law would have taught him that as the Waikato chiefs could only sell their own interest in the land, the witness might truthfully declare that the Ngatiawa interest remained untouched by Hobson's transaction with Te Whero Whero. Passing over the undoubted rights in common of the returned Ngatiawa, and the cognate rights of their countrymen still at Waikanae, under Te Rangitake, whose *animus revertendi* was notorious, Spain unfortunately gave a verdict in favour of the New Zealand Land Company not for their whole claim, but for 60,000 acres. He conceived that the Ngatiawa returning after the alleged purchase by the company could have no rights to land, though if they had returned before Barrett's visit rights



might have accrued to them. He distinctly affirmed in his report, not only with regard to those enslaved by the Waikato, but as to the conquering Ngatiawa chiefs at Cook's Straits, that he could not recognize title to land in two places. If a Ngatiawa chief had rights at Cook's Straits he could have none at Taranaki. Mr. Spain<sup>1</sup> says he "invariably discouraged" such claims as "unfair and unjust," although it would be hard to find a good reason why a British subject may hold land in different counties in England and Scotland, and a Maori owner should be debarred from a share in plurality of holdings in New Zealand; and it would be still harder to discover a reasonable interpretation of the treaty of Waitangi which would accord with Mr. Spain's ruling in 1844. Moreover, the custom of the Maoris was enshrined in Hindostan. Among the Rajputs no length of time or absence could affect the claim to the hereditary land.<sup>2</sup> Mr. Spain complained afterwards that Clarke, the Protector, did not clearly bring forward his view of the right of *postliminium*, but at the same time (March, 1845), unhesitatingly declared that enslaved "aborigines" in New Zealand forfeited all rights to land when "taken in war." When the chief, cross-questioned on the subject in 1844, asserted the right of *postliminium*, Spain thought the man told an untruth, and set aside his statement as worthless. Even as the case stood there was nevertheless a condition unfulfilled. Barrett had, in 1840, contracted to supply twenty-five double-barrelled guns, and had not supplied them. Spain felt the impropriety of putting murderous weapons in the hands of an excited and pugnacious people, and took upon himself to award that instead of the promised fowling-pieces the company should pay £200, but lest the money should be devoted to the original intention he determined how it should be expended. It was not to be given to the contracting Maoris; but a Maori hospital was to be built upon the "native town reserves," the result of which variance from Barrett's engagement would be "convenient" and "morally improving."

Clarke, the son of the Protector of the aborigines, was Maori advocate in Spain's Court at Taranaki, and saw the

<sup>1</sup> Spain's Report. Parliamentary Papers, 1846, vol. xxx. p. 52.

<sup>2</sup> Rajasthan. (Colonel Tod.) Vol. i. p. 526.

terrible dangers which Spain's decision would cause. He wrote to his father in June, 1844.<sup>1</sup> He pointed out the inherent complications in the case itself. He declared that the Waikato title to the Waitara, on which Spain laid stress, had never been perfected by exercise of such acts of ownership as would have completed it. He averred that the *postliminium* claims of the enfranchised were unjustly set aside:—that the numerous Ngatiawa who had migrated to conquer at the South before the defeat at Pukerangiora could not be compromised by it; that the boundaries had never been understood by the residents with whom Barrett negotiated, and that if any Waikato claim could be established, all those engaged at Pukerangiora could demand a share in it. He averred at a later date that “to the utter astonishment of every one, not excepting Colonel Wakefield himself, a Crown grant was recommended for a block of 60,000 acres of land.” Writing to his father he pleaded at the time, that by immediate and public protest against Spain's decision, he would have acted indecently and injured “the cause of the natives.” When Spain rejected evidence, of the nature put forward, Clarke did not produce a second witness. “On the very day of the decision the natives were so annoyed that a party of about fifty actually set out to destroy the houses of the settlers on the road to Waitara; but I succeeded at last without giving publicity to the state of affairs (or alarming the settlers more than they had already become by the threats of the natives) in sending the most influential men after them and bringing them back again. I then told them that . . . they could gain nothing and would ruin their cause by resorting to violence, and that the only course they could pursue was to send a fair and candid and calm account of their griefs to the Governor, and some of them wrote letters in consequence which you have probably seen. . . . One false step now must plunge us sooner or later into ruin—perhaps bloodshed. The natives never will give up tamely what they consider to be their just rights. If the Government are determined to put the settlers in possession of lands which we cannot convince the

<sup>1</sup> Remarks on a pamphlet by J. Busby, Esq., commenting upon a pamphlet entitled ‘The Taranaki Question,’ by Sir W. Martin, D.C.L., late Chief Justice of New Zealand, by G. Clarke. Auckland, 1861.

natives *or ourselves honestly* that they have alienated, they must do it at the point of the bayonet; and if they once resort to violence it must end in the extermination, ultimately, of the natives throughout the length and breadth of the island, but only after a sacrifice of life too horrible to contemplate. Mr. Spain mentioned compensation to the natives, but they would neither accept of it, nor, if they would, could we satisfy the numerous claimants. . . . I feel it my duty to put the Government in possession of my views at any risk of personal blame or misconstruction of motives. I feel that an awful and harassing responsibility rests upon me, but I do not know in what way to place the matter before the Government. Mr. Spain, the judge in the matter, has expressed an opinion, which, if carried out, will, I believe, fill the country with bloodshed, and I—an advocate in his Court . . . entertain views exactly opposite. . . . If you can advise me, as my father and my friend, as well as in your position at the head of my department, as to what steps I ought to pursue, and can convince me of their necessity, I shall be rejoiced to undergo blame or personal risk of any kind."

The war of 1860 sprung from the Waitara land dispute. Many thousands of pages have been written to show that the natives were not then really aggrieved, and merely set up a fictitious claim to land in order to contest the supremacy of the Queen. It is all-important, therefore, to show the truth from early documents. Mr. Whiteley, a Wesleyan missionary who was at Kawhia, wrote to Clarke, the Protector, on the 1st July, 1844. He enclosed a letter from certain excited chiefs to the Governor. To Whiteley they had written thus: "Speak to the Governor that our land may be returned to us. If that cannot be, why then we shall call to the gates of hell to be set open, that the people who have long been dead may ascend up, and that the people of this world may descend thither." As regarded the remigrants from Cook's Straits and the rights of the enfranchised, Whiteley argued that Spain's decision was unjust. Rights of those not compromised by negotiations between themselves and the company should "be held inviolate. . . . My object is simply peace, and to ensure peace we must do justice." The elder Clarke expressed surprise that his son

had not called more than one witness. The son maintained that he had "confuted the claims of the company by their own witnesses." He sent also to the Governor a catalogue of cases to prove that the rights of the returning Ngatiawa were sanctioned by well-known Maori laws. It was Spain's custom to make *ad interim* reports, and his Waitara decision, with the warnings of Clarke, Whiteley, and other counsellors, was promptly considered by Captain Fitzroy. He did not discuss the principles of *postliminium* nor the doctrines quoted by Spain from Vattel; but he saw that there would be bloodshed if the injustice recommended by Spain should be consummated. Wiremu Kingi Te Rangitake wrote him an earnest letter. "This is the determination of our people. Waitara shall not be given up. . . . The Ngatiawas are constantly returning to their land—the land of their birth. . . . Friend Governor, do you not love your land—England—the land of your fathers—as we also love our land at Waitara?" (8th June, 1844). Military assistance at Taranaki was craved by an express messenger from the inhabitants. Spain reported that it was required to overawe the mounting confidence of the Maoris in themselves. The Governor sent a confidential person overland to state that he would be on the spot as soon as possible. He sailed thither in H.M.S. 'Hazard.' The Bishop, travelling overland from Auckland, reached Taranaki in eight days by way of Kawhia, from which place the Rev. J. Whiteley had hastened to the scene of danger. Inquiry was instituted without delay.

On the 3rd of August, Captain Fitzroy summoned a meeting to hear his decision. On points of law, "especially New Zealand law, considered with reference to national laws in general," authorities might differ. Without disparaging others the Governor must nevertheless exercise the function of deciding. He would institute further inquiries immediately, and announced in the mean time that he would not adopt Mr. Spain's recommendation, and "would allow in all their integrity the claims of those of the Ngatiawa tribe who were not parties to the sale in 1840."<sup>1</sup> The Bishop<sup>2</sup> and Mr. Whiteley had been

<sup>1</sup> Parliamentary Papers, 1845, vol. xxxiii. p. 102.

<sup>2</sup> The Bishop wrote to his brother in England: "The Governor has, I hope, appeased the commotion."

influential in allaying excitement, and Mr. Donald McLean, Local Protector, was instructed how to act. The Maoris were prevailed upon by the Bishop, by Mr. Whiteley, and Mr. McLean to await the Governor's return. On the 8th August, Captain Fitzroy told Colonel Wakefield that it was not his intention to comply with Spain's recommendation, but to cause further investigation. "A large number of natives would be set aside by Mr. Spain (namely, those who were absent or in captivity at the time their lands were said to have been sold), whose claims I am bound to recognize and maintain." In describing the meeting of the 3rd August, he told the Secretary of State: "With the proceedings at this meeting all parties appeared to be satisfied; and the minds of the natives were disabused of the impression that they might be dispossessed of their own lands." On the 5th August the Governor and Bishop sailed away in the 'Hazard.' There was trouble at Kororarika where Heke had defiantly cut down the flagstaff in July. On the 8th November the Governor returned to Taranaki to consider the matter which Mr. Whiteley, Mr. McLean, and Mr. Forsaith had been preparing for his decision. Finally, on the 25th November, 1844, all the native interests in the town and its immediate vicinity were bought up, and a block of 3500 acres was secured for the company for "£350 in goods, money, and animals;" and Fitzroy waived, "in favour of the company only," the Crown's right of pre-emption within the block of 60,000 acres already surveyed at their expense. The "long-meditated<sup>1</sup> return of the Ngatiawas," and the consequent "difficulties, if not disasters, apprehended to the settlers," would be avoided by concentrating the settlement in the manner sanctioned by him, and he thought it desirable that the company's agent should defer treating for the country "sections until their real owners, or the majority of them, are on the spot." The death of the father of Wiremu Kingi Te Rangitake left the latter at the head of the family, and the old man's dying injunction to his son was that Waitara should not be sold.

Mr. Spain was mortified at the Governor's reversal of the only award which he had been able to make in favour of the company. He complained that Clarke had not brought forward

<sup>1</sup> Parliamentary Papers, 1845, vol. xxxiii. p. 102.

evidence to support the claims of absentees and returned captives. He admitted that Mr. Forsaith, the interpreter, was the first to arraign the injustice of his decision; but he declared that to admit the claims of the absent captives would "establish a most dangerous doctrine." He did not advert to the fact that under the treaty of Waitangi such claims had been solemnly guaranteed to the natives by the Queen. The dangers he foresaw were great. It would be harsh to condemn him for disregarding greater dangers which he did not foresee. He did not shrink from repeating his award on the 31st March, 1845; admitting that "difficulties and perplexities had met him at every step," and reserving all pāhs, burying-places, and cultivated grounds, as well as one-tenth of the block as "native reserves." The block awarded by Spain included both banks of the Waitara river; the morsel over which the Pakeha and Maori were to shed their blood in future years. The company's friends were indignant at the rejection of Spain's award. The Governor was assailed for giving weight to the "customs of barbarism," for being "blinded by maudlin sentimentality for slaves," and "spurred on by the missionary clique to dispossess the company of the finest territory they had ever acquired."<sup>1</sup>

The author of a 'History of Taranaki,'<sup>2</sup> published in 1878, denounced Fitzroy's decision as "an insane act." With characteristic unscrupulousness Colonel Wakefield, in November, 1844, denounced it as tending to cause the Ngatiawa to return to Taranaki "upon the ground that they have more right to it than the returned slaves, whose claims the Governor has allowed." Yet Rangitake's letter to the Governor, declaring that "Waitara shall not be given up," was written on the 8th June, and it was not until August that Fitzroy announced his decision. It was not promulgated as affecting merely a local land dispute. It was published for the information of all Maoris in the 'Maori Messenger' for September, 1844. It attributed the erroneous claims of the Pakeha to mistake, not to dishonesty. It declared that no Rangatira of the Queen of England would consent to dishonesty, and that to take the land of a Maori

<sup>1</sup> 'Account of the Settlement of New Plymouth in New Zealand,' pp. 42, 43, by Charles Hursthouse, junior. London, 1849.

<sup>2</sup> 'History of Taranaki,' p. 108. B. Wells. New Zealand, 1878.

without a fair completed bargain "would be theft." Distinctly it averred that the rights of a man returning from slavery would be sacredly regarded. "If we were at war with any other nation, and I were taken as a slave and afterwards liberated—if when I returned home and found my place sold, what would my thoughts be? Would I consent? Not at all." Dispelling thus, by making common cause with captives, the sneers of Colonel Wakefield and the blunder of Spain, the Governor imputed the difficulties at Taranaki partly to the Ngatiawa who signed deeds without reference to the absent owners. He would respect all claims of the Ngatiawa tribe, insist on fulfilment of lawful bargains, maintain peace, and give to all "what is right and just."

The first appearance of the notable Donald McLean in important negotiations deserves remark. Immigrating to New Zealand an uneducated lad, he devoted himself to ordinary labour. Versed in Gaelic, and venerating the chiefs of old in his native land, he saw in the Maori race a repetition of the Gael. He strove to educate himself, and, after his daily task was done, he pored over books in the watches of the night. He became popular with the Maoris, and declared that the style of the heroes of Ossian found an echo in the hearts of the high-born chiefs around him. His proficiency in the Maori tongue led to his appointment as Local Protector of aborigines at Taranaki, and to his good offices may be partly ascribed the avoidance of war in consequence of Spain's unjust decision. Nevertheless the colonists were astonished when, in after years, Governor Grey appointed McLean Chief Commissioner to treat with the natives for cessions of land.<sup>1</sup> McLean warned the chief Protector in December, 1844, that there were still dangers ahead.

The Ngatiawa, at Waitara, showed no inclination to part with their land, and averred that they were incompetent to negotiate for its sale "without the consent of several absentee chiefs, residing at Waikanae, who own the greater part of the land. They do not acknowledge the claims of the company

<sup>1</sup> When Edward Gibbon Wakefield arrived in New Zealand his master-mind foresaw McLean's future. He called him "the great Maori mystery man." He did not live to see his prophecy fulfilled, as it was.



to any part of that district. They never received payment, and were not cognizant of a sale thereof, and will not be induced to suffer European settlers to establish themselves there." Katatore, a chief of the Puketapu tribe, was obstructive also. Some of his tribe had received payment from the company, but Katatore prevented the furnishing of any information about the limits of Maori holdings. Of the Ngamotu natives, who had agreed with the Governor in November, eighty-four had signed the necessary deed, but there were fourteen adults whose consent had not been procured.

The office of a Protector sometimes involved danger. The Puketapu and the Ngamotu natives had rushed to arms, and McLean, Mr. Turton a missionary, and Mr. Webster a justice of the peace, "were successful in depriving some of the most exasperated of their guns and tomahawks." The armed Ngamotu drew off with Mr. Turton, and he pacified them, while McLean poured the fervid accents of the Gael into the ears of the Puketapu. Truce was made. Governor Fitzroy himself settled one troublesome dispute at Waikanae on his journey to Taranaki in November, 1844. Rauparaha and Rangihaeata accepted the compensation which they had previously refused (£400) for land in the valley of the Hutt, and promised that the settlers should not be molested.

While these events occurred in New Zealand the company's friends were active in England. Lord Stanley's rebuke, in 1843, convinced the wily managers that if they wished to break faith they must work like moles, and effect their object through parliamentary agency. The Wairau massacre afforded an opportunity. A Select Committee of the House of Commons was appointed.<sup>1</sup> After it was nominated Lord Stanley succeeded in adding to it the equable judgment and firm grasp of Mr. Cardwell.

Lord Howick as chairman imported into the deliberations his perverse denial of the hereditary claims of the Maoris, and of the duty of England to abide by her treaty.

One of the first steps taken was to ask Mr. Aglionby, a

<sup>1</sup> It is noticeable that the Committee was sitting about the time of the Remuera meeting. One could wish that Lord Howick could for the time have exchanged places with Captain Fitzroy.

member of the company as well as of the Committee, for a statement. After hearing much evidence the Committee assembled to consider resolutions submitted by their chairman. They were nineteen in number. He condemned as "highly irregular and improper" the conduct of the New Zealand Company in sending out settlers not only without sanction, but in defiance of the authority of the Crown. But in all the other resolutions he himself denied that authority, and tried to undermine its plighted troth. He sneered at the "so-called treaty of Waitangi." Mr. Cardwell met his resolutions by submitting an elaborate draft which may be judged by its affirmation of Maori rights, and of the virtue of the treaty of Waitangi, as "binding in conscience and policy on the British Government, and highly valued by the native tribes." Mr. Hope moved that Mr. Cardwell's draft be considered, and was defeated by one vote.<sup>1</sup> Lord Howick's animadversion upon the company having been affirmed, he used his majority in condemning the treaty of Waitangi as "part of a series of injudicious proceedings." On a subsequent day (9th July) he triumphed still more over truth and justice. It was resolved (in spite of the gallant efforts of Mr. Hope and Mr. Cardwell) that the acknowledgment by the local authorities of a Maori right of property in "wild lands" after the Queen's assumption of sovereignty was "not essential to the construction of the treaty of Waitangi, and was an error which has been productive of serious consequences": that the company had a right to expect to be put in possession (according to Pennington's award) "without reference to the validity or otherwise of its supposed purchases from the natives, all claims derived from which have been surrendered." Admitting that the company could only claim grants of land vested in the Crown, Lord Howick in his sixth resolution showed how he would enlarge the vested area. Means ought forthwith to be taken to establish the "exclusive title" of the Crown to all land not occupied or enjoyed by "natives, or held under grants from the Crown, such land to be considered as vested in the

<sup>1</sup> The majority (7) were Mr. Milne, Mr. Roebuck, Mr. Hawes, Mr. Charteris, Lord F. Egerton, Lord Ebrington, and Mr. Aglionby (an active member of the New Zealand Company). The minority (6) included Mr. Hope, Mr. R. Clive, Lord Jocelyn, Sir Robert Inglis, and Mr. Wilson Patten.

Crown for the purpose of being employed in the manner most conducive to the welfare of the inhabitants whether natives or Europeans." A land-tax was recommended, not exceeding two-pence an acre. The pliant majority determined that it should apply to the lands of the Maoris: but the names of Mr. Hope, Lord Jocelyn, Mr. Clive, and Mr. Cardwell, are recorded against the proposal. Mr. Hope moved that the modest amount of fifteen per cent. of the proceeds of the sale of wild lands should be set apart for its plundered heirs, and was defeated by a majority of nine to one! Reserves for native uses were graciously sanctioned. It was advised that the local military force should be strengthened; that there should be an armed steamer on the spot—a militia in which, under proper precautions, Maoris might be allowed to serve—a native force also; that it was desirable to employ the Maoris in the civil service; and that efforts should be made to wean them from their ancient customs on the principle recommended by Captain George Grey for the nomadic tribes of Australia (who as totally without agriculture differed as widely as possible from the skilful agriculturists of New Zealand). The Committee expressed no opinion on the law of the case of the Wairau affray (on which the evidence before them was voluminous and irresistible), but thought that the conductors of the expedition from Nelson to arrest Rauparaha believed it to be lawful. The Committee having swallowed his resolutions, Lord Howick, after allowing a fortnight for rumination, submitted a report, which they in turn submitted with "much diffidence" to the House. The laborious manner in which Lord Howick's draft assailed the guaranteed rights of the Maoris proved that in his conscience (if he had any), he knew he was wrong. He strove to show that in "terms" the treaty was "ambiguous"; that there could only be a "qualified dominion" of "uncivilized inhabitants" over their native soil; that the Marquis of Normanby's instructions to Hobson were "not sufficiently precise upon this important point"; that as the treaty of Waitangi had reached England when Lord John Russell issued the Charter and Instructions relative to the New Zealand Company, it might therefore "fairly be assumed that it must have been understood as *bearing a meaning not inconsistent with the terms in which*

*they are couched.*<sup>1</sup> . . . To have assumed at once all unoccupied land to belong to the Crown as a right inherent in the sovereignty would have been attended with no sort of injustice to the natives, and would have been conducive to their real interests. . . . The error in policy . . . fallen into by the officers who have held the Government in New Zealand in not asserting the right of the Crown to all the unoccupied soil in New Zealand," is closely connected with "another . . . want of vigour and decision in the proceedings adopted towards the natives . . . an over-sensitive fear of infringing upon native rights." Mr. Hope made a gallant attempt to carry a draft report maintaining the inviolability of the Waitangi treaty, but the company's friends, with Lord Howick's aid, overpowered him, and the chairman's report was adopted. Having thus recommended a course which would necessitate the practice of a murderer to wreak into action the policy of a thief, Lord Howick gloated over the idea that Lord Stanley would be compelled to abandon the stand he had taken in New Zealand affairs, or to give offence to the House of Commons by slighting the advice of a Committee.

Fortunately, the House did not adopt the resolutions, and the confidence which it reposed in the financial ability of Sir Robert Peel (who in that year dealt with the question of banking), made it impossible for the intrigues of Lords Russell and Howick (though already profiting by the personal venom of Disraeli<sup>2</sup>) to shake the great Minister in his seat.

<sup>1</sup> By this grotesque inversion it would follow that a foolish or dishonest Secretary of State may interpret treaties or laws as he chooses, and that his acts are not to conform to them, but they are to be warped in order to subject them to him.

<sup>2</sup> Popular opinion sometimes confuses dates. It is often asserted that Sir Robert Peel's change of opinion in 1846 on free trade in corn justified the hostility of Mr. Disraeli. But Sir Robert did not change his abstract opinion in 1846. He had said in the House (May, 1842), that all must "agree in the general rule that we should purchase in the cheapest market, and sell in the dearest." He had repeated in February, 1843, this conviction, while urging that "unquestionably sound" as the principle was, the "complicated considerations" to be borne in mind, and the "great and extensive interests which had grown up," made it unwise to meddle rashly with them; although they must give way to the general good (May, 1843). It was not, therefore, on general grounds, nor on account of the abolition of the Corn Laws in 1846, that Mr. Disraeli turned traitor to his chief. He

The task imposed on Lord Stanley was indeed difficult, but as he was guided by honour it was not impossible. He would doubtless have discarded office rather than make his hand the instrument of known injustice. He could not, however, respect the report of the Committee, nor could he characterize it in fitting terms of reprobation while transmitting it to the Governor. Like Sir George Gipps and every one practically acquainted with New Zealand affairs, he foresaw that the promulgation of the report unaccompanied by wise counsel to the Governor must be the immediate provocation of that strife which every act of Colonel Wakefield and his subordinates had been calculated to produce. He called the attention of the Governor<sup>1</sup> to the fact that the Committee were "far from unanimous." "Nevertheless I cannot but apprehend that this report, carrying with it as it must be admitted to do, the authority of a Committee of the House of Commons, may add to the difficulties of your position, less indeed by the practical measures it recommends than by the principles which it lays down, and on which it proceeds—principles which I know to be opposed to your own views, and which if you were to attempt to carry them into practice would, I fear, lead to most unhappy consequences." As to the rights of "uncivilized inhabitants," and the company's claims under Pennington's award, "I am not sure that were the question one of mere theory I should be prepared to subscribe unhesitatingly and without reserve to the fundamental assumption of the Committee, and I am sure that

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had indeed deserted him as soon as he conveniently could after he was not included in Sir Robert Peel's Ministry in 1841. In May of that year he bespattered Peel with praise. But in September, when the new Ministry was composed without him, he suffered *spretæ injuria formæ*, and in February, 1845, was goaded to frenzy by the placid contempt with which Sir Robert said: "I tell the honourable gentleman at once that I will not condescend to reciprocate personalities with him. Neither now, nor after the lapse of a week, will I stoop to do so. I feel no inclination for the practice. . . . Being in the position which I fill, I will pursue that course which I believe to be for the public interest; and if in pursuing it I subject myself to the honourable gentleman's vituperation, or to the much heavier penalty of diminished confidence on the part of others, that penalty I am ready to pay and submit to the consequences." This was long before Sir Robert abolished the Corn Laws.

<sup>1</sup> Despatch No. 31; 13th August, 1844.

it would require considerable justification as applicable to the inhabitants of New Zealand. (There were many gradations of 'uncivilized inhabitants,' and among them the Maoris held a 'very high place,' by reason of their agriculture, tribal rights, rights of individuals *inter se*, their knowledge of letters at the time of British occupation, and the adoption by many of Christianity.) I cannot think it would be either just or practicable to apply the same rule with regard to the occupation of land to classes of aboriginals widely differing from each other. But whatever may be the right theory, it is indisputable that in practice a distinction has been drawn by the acts of the British Government. Up to 1839 this country recognized the chiefs of New Zealand as the heads of an independent community, and when in that year the unauthorized settlement of the country had rendered necessary the interposition of some higher authority, the Marquis of Normanby, then Secretary of State, expressed his concurrence in the view taken by a Committee of the House of Commons in 1836, that the 'increase of national wealth and power promised by the acquisition of New Zealand would be a most inadequate compensation for the injury which must be inflicted on this kingdom itself by embarking in a measure essentially unjust, and but too certainly fraught with calamity to a numerous and inoffensive people, whose title to the soil and to the sovereignty of New Zealand was indisputable, and had been solemnly recognized by the British Government.' He repeated, on the part of the Government, the acknowledgment of New Zealand as a sovereign and independent state, so far at least as it was possible to make that acknowledgment in favour of a people composed of numerous dispersed and petty tribes who possessed few political relations to each other, and were incompetent to act or even to deliberate in concert, but that the admission of their rights thus qualified was binding on the faith of the British Crown, (and he also) disclaimed on the part of the Queen, for herself and for her subjects, every pretension to seize on the islands or to govern them as part of the dominion of Great Britain, unless the free and intelligent consent of the natives, expressed according to their established usages, should be first obtained; and acting on this view, the British Government directed their agent to accept

from the chiefs the grant of sovereignty on conditions (embodied in the treaty of Waitangi, and laid before Parliament). Personally neither you nor I are interested in now considering whether this policy were wise or unwise. Before the present Government assumed any responsibility . . . not only had those steps been taken (and sanctioned), but an officer had been appointed to administer the government, laws had been passed by a local legislature for regulating titles to land, (a Commissioner) had been sent out for the settlement of those titles subject to enactments previously passed, and guided by instructions issued by my predecessor. Nor does it seem to me that such an inquiry is useful for any practical purpose in reference to the future. What you and I have to do is to administer the affairs of the colony in reference to a state of things which we find but did not create, and to feelings and expectations founded, not upon what might have been a right theory of colonization, but upon declarations and concessions made in the name of the Sovereign of England. You will observe, indeed, that the Committee admit that erroneous as they believe the policy hitherto pursued to have been, they are sensible of the great difficulty which may now be experienced in changing it, (and bearing in mind the distance of the Governor, &c.,) they are not prepared to recommend that he should be peremptorily ordered to assert the rights of the Crown as they believe them to exist: all they advise is that he should have clearly explained to him what those rights are and the principles on which they rest, and should be directed to adopt such measures as he may consider best calculated to meet the difficulties of the case, and to establish the title of the Crown to all unoccupied land as soon as this can safely be accomplished. (The Committee deprecated also the 'notions' of proprietary title which the Maoris had recently been taught to entertain.) I cannot overlook the fact that your measures must be framed in reference to the existence of such notions founded on interpretations of law and treaty hitherto admitted by the authorities at home and on the spot, and entertained by a high-spirited, warlike, and well-armed race of people confident in British justice, and whom it is most important by a conciliatory course to bring into more close connection with, and more complete subjection to, British



authority. The extent to which native rights to land might be admitted was, as you remember, matter of frequent and anxious discussion between us previous to your departure from England; and you are aware that, feeling the information necessary for the purpose not to be within my reach in this country, I constantly refused to the New Zealand Company to define authoritatively here so difficult and important a question. On the one hand, to restrict those rights to lands actually occupied for cultivation appeared to me wholly irreconcilable with the large words of the treaty of Waitangi—lands and estates, forests, fisheries, and other property which they may collectively or individually possess,—and of which the full, exclusive, and undisturbed possession is thereby confirmed and guaranteed to them. The claim of the Crown to all unoccupied ground to the exclusion of the New Zealanders appeared . . . not less at variance with the directions of the Marquis of Normanby to Captain Hobson to obtain by fair and equal contract the cession to the Crown of such waste lands as may be progressively required for the occupation of settlers, . . . and it must be remembered that the directions had not only been promulgated but acted upon in the colony at an early period after the sovereignty had been assumed. Lastly, it appeared to me inconsistent with the practice of those tribes, who, after cultivating and exhausting a given spot for a series of years, desert it for another within the limits of the recognized property of the tribe. On the other hand, I had no doubt that . . . you would find . . . considerable tracts . . . to which no tribe could establish a *bond fide* title, and still more extensive districts to which by personal communication with the chiefs you would obtain a title by easy terms and by amicable arrangements. I had thus in some measure anticipated the wish of the Committee, but I cannot go with them in directing you ‘forthwith’ to establish the title of the Crown to all unoccupied land except indeed under the extensive qualification of the following words of the report: ‘as soon as this can be safely accomplished.’ On this fundamental point depends the whole of the arrangement with the New Zealand Company to which I must now advert, and in reference to which I do not think that the report of the Committee renders it necessary

that I should in any way modify the instructions which you have already received. I do not think it would answer any useful purpose to discuss the terms of the original agreement with the company. I retain my fixed opinion that that agreement was based upon the assumption that the company had obtained,<sup>1</sup> by purchase from the natives, a much larger tract of land of which they consented to receive a portion by grant from the Crown."

As to the right of the company to obtain Crown grants "without reference to the validity or otherwise of its supposed purchases from the natives," Lord Stanley referred to his previous instructions and his correspondence with Mr. Somes, which justified the inference that the instructions were "acceptable to the company," viz. that the Governor was "authorized in substance to make grants, to the company and to their settlers, of land to be selected by themselves within the districts specified in the arrangement with Lord John Russell, so far as the Crown had power to make such grants, that is, subject to the condition that such lands were vested in the Crown, and that no other parties could establish a valid claim to them. This direction was repeated . . . to you on 26th June, and appears to me practically to fulfil the intentions of the Committee, . . . for while they assert the right of the company as against the estate of the Crown, they as distinctly negative the right to select any land not vested in the Crown. The question then ultimately resolves itself into the inquiry whether any particular lands be so vested; and I see no mode of settling this question but by the conditional grants which you are already instructed to make, giving to the company and its settlers the benefit of a *primâ facie* title, but not debarring other parties from substantiating by law a prior title. You have already been instructed further to use your influence in obtaining for actual settlers, on fair and reasonable terms, the possession of lands on which they may have effected improvements even though

<sup>1</sup> There was abundant proof of this assumption. Between the date of the agreement, and the issue of the Charter promised in it, the Under-Secretary, Vernon Smith, formally (2nd December, 1840) recapitulated *inter alia* Lord J. Russell's intention to subject all titles to the "investigation of a Commission to be appointed for the purpose." The company never objected to the Commission until they found it could prevent imposture.

an adverse title should be substantiated; and to these instructions I have nothing to add, nor does the Committee, I think, suggest any practical solution of the difficulty. I am not without hopes that before the report of the Committee reaches you, you may have been enabled in pursuance of instructions . . . to place this question on a satisfactory footing. (As to the tax on all native lands) I presume it is contemplated that non-payment shall be followed by confiscation of a portion of the lands equivalent to the amount of the tax unpaid. I think it will be very difficult to apply the principle to the remoter tribes which are only partially subject to our authority; and with respect to all, its application would require the greatest caution. I wish therefore to leave you an unfettered discretion on this point, though if it can be peacefully effected it would appear to suggest an easy mode of obtaining a large amount of available land in commutation or redemption of the tax upon the remainder.”<sup>1</sup>

(After commending the suggested native reserves, Lord Stanley alluded to the military force contemplated in the report): “If indeed it had been my duty to instruct you to act upon the principle laid down by the Committee of considering all unoccupied lands as vested in the Crown, and of confining the native tribes to such portions as they are actually enjoying and occupying, I should have felt that a very large increase of both military and naval force was requisite, and should have looked forward with apprehension to the results of the alienation and hostility which such a measure would engender between the two races, but I rejoice to see that the Committee abstain from recommending that you should act on the principle which they lay down, and for my part I cannot take on myself the responsibility of prescribing to you a course which I believe would neither be consistent with justice, good faith, humanity, or policy. . . . I am quite sensible that . . . it may be necessary to temper the strict application of the penalties of British law with much discretion and forbearance.

<sup>1</sup> This method of confiscation has been for the last twenty-five years a favourite scheme with the legal members of governments in New Zealand, who, not unwilling to rob, prefer to rob by parchment rather than with the sword.

Under certain circumstances, indeed, I am afraid it may even be inevitable to consider, before interfering with native customs which are in themselves objectionable, how far the means of coercion at your disposal may render it prudent for you to take steps for that purpose, which, in case no resistance was to be apprehended, you would not hesitate to adopt. Difficult, however, as the task may be, I trust that your endeavours to effect it will be unremitting, and I cannot but hope that by firm and judicious conduct, by inspiring a respect for the rights which are guaranteed, and a dread of committing the offences which are prohibited by British law, at the same time that you convince their minds of its justice by making them feel that in their persons and properties they enjoy full protection, you may gradually wean the native tribes from their savage habits, render them submissive to British law, and incorporate them in the community of British subjects."

Lord Stanley could not undo the work of the Committee. He could not imbue Lord Howick with "justice, good faith, humanity, or policy." But the poison of the report was neutralized, partially at least, by the despatch. Lord Stanley concealed nothing. He laid his despatch on the table of the House of Commons on the day on which Parliament was assembled (4th February, 1845). It was some consolation to the Governor to feel that the Secretary of State would support him in doing justice, but it was difficult to do justice under the conditions already sanctioned. The issue of conditional grants to unlawful occupiers, on the understanding that further compensation would be made to the natives unjustly dispossessed, was pregnant with injustice. The natives were in those days strong enough to resist it, and it was only their confidence in the Queen which induced them to abide by the decisions of the Commissioner if framed even approximately in accordance with the treaty of Waitangi. Spain's final reports were not sent to the Governor until long after Lord Stanley's weighty despatch had been received. They dealt with the company's claims at Port Nicholson, Nelson, Petre (Wanganui), Porirua, and Manawatu. Fitzroy, in transmitting them (13th September, 1845) to the Secretary of State, regretted that "the only settled claims" were those at Port Nicholson and Nelson. All others

were "disputed by the natives," excepting as regarded the small block which Fitzroy himself had awarded at Taranaki, and could "not be fully occupied by settlers under existing circumstances until very large additional payments have been made, with great care, much time, and an amount of difficulty that few will encounter." Fitzroy was surrounded by a sea of troubles. At his conference with Wakefield and others, in January, 1844, he had settled, and Spain in his various awards decided, that all pāhs, burial-places, cultivated grounds, and the native reserves, should be exempt from the company's claims: but even this arrangement failed to give satisfaction. The site of Wellington was secured at Port Nicholson on payment of an additional sum of £1500, but much adjacent land was in question. At Nelson, where Rauparaha, Rangihaeata, and their friends admitted the sale of their rights, the claims of the company were contracted by their own arrangements with the Secretary of State to 151,000 acres, within which Spain's award reserved all pāhs, cultivation grounds, and burial-places for the natives. The massacre at Wairau delayed the investigation which Spain was ready to make in 1843. It was not until August, 1844, that Spain held it at Nelson. The facts were simple. The evidence of Rauparaha and Rangihaeata was clear. They placed no obstacles in the way. But Captain Wakefield, when forming the settlement, had agreed to make further payments to the resident natives, and to redeem his promise it was arranged that a further sum of £800 should be distributed. While finally rejecting the company's claim at the Wairau, Spain by no means favoured absentee Maori proprietors, for he declared in his report on the Nelson district: "I have set it down as a principle in sales of land in this country by the aborigines, that the rights of the actual occupants must be acknowledged and extinguished before any title can be fairly obtained upon the strength of the satisfaction of claims of self-styled conquerors who do not reside on nor cultivate the soil. In short, that . . . in all cases the residents, and they alone, have the power of alienating any land." Utterly repugnant as was this so-called principle to Maori law and usage, and disloyal as it therefore was to the treaty of Waitangi, the fact that he who laid it down pronounced that the company had no claim to

the Wairau, lays bare the folly of the scheme under which the company's agents endeavoured to put fetters upon Rauparaha when he entreated them to wait for the arrival of Spain. At Wanganui (Petre), with the usual reservation of pahs, &c., and subject to a further payment of £1000, 40,000 acres were awarded; but in May, 1844, the assembled natives refused the proffered money and said they would have the land. Spain replied that the offer of the money was sufficient, and that their refusal would not stay the occupation of the land by Europeans. The pernicious expedient of supplementing vicious titles by further payments may have justified this reply in his mind, but he must have felt that it sowed the seeds of future troubles. At Porirua, Rauparaha and Rangihæata were concerned. They denied the efficacy of Wakefield's alleged bargains in 1839; and Hiko, on whose power Wakefield had relied, when questioned by Spain, averred that he in 1839 had said that Rauparaha was the "man grown," to be applied to, Hiko being "a youngster." Spain decided that the company was "not entitled to a Crown grant of any land in the district of Porirua." At Manawatu, where many chiefs had been willing to sell their rights to certain lands, and where, when Wakefield exhibited the company's wares, in 1839, to excite their cupidity, there was an unseemly struggle, Spain saw many unconsenting owners, and awarded only a small block of 100 acres. He found the influence of Rauparaha exerted everywhere to prevent further alienation of land. Spain, on his way to Manawatu with Wakefield, agreed to meet some chiefs at Ohau to consult about establishing a European settlement there.

Secretly Rauparaha was warned at night of the "korero," and promptly the old man repaired to the spot. Discarding his ordinary mildness and gravity, "breaking at once into the midst of the meeting, he made a long and violent speech, in which, in a loud tone and with angry gestures, he bade us go on our way to Manawatu, forbade the natives to proceed with the sale, and denounced the whole affair in no measured terms. Some of the natives endeavoured to reply to this tirade, but their courage seemed to fail them in his presence; and at last, under the influence of a power which they felt was irksome, yet could not resist, they told us that any further attempt would

be fruitless." The large claim at Manawatu was pronounced against by Spain.

When Fitzroy (July, 1845) offered the Port Nicholson and Nelson deeds of grant to Wakefield on payment of the fees (which on 222,900 acres amounted to more than £1100), Wakefield had to refer the matter of the grants and the fees to the Directory in London. Both the company and the Government were in some pecuniary straits at the time. In November, 1844, Fitzroy authorized the police magistrate at Taranaki to employ distressed labourers at 2s. a day on public works, until private employment might be procurable. To Mr. Wicksteed (the company's local agent) he justified his interference by referring to the suspension of payment by the company, the land troubles, and consequent distress. Mr. Wicksteed responded to his appeal for co-operation. So discontented were the Directors of the company in England with the general condition of their affairs, and with the apparent strength of Sir Robert Peel's Ministry, that they appointed a committee, with full authority to conclude any arrangement with the Government. Mr. C. Buller prepared a scheme for a Proprietary Government, in which the provisions of the treaty of Waitangi were to be confined to the Northern Island; and the rights of the natives were to be stifled by a payment from the new company to the Government. It was averred that the treaty of Waitangi had no force elsewhere than at Auckland. This scheme was sent to Lord Stanley in May, 1845, and was by him declined. He was willing to consider suggestions for putting an end to existing embarrassments. Mr. Buller, pending Lord Stanley's decision, had postponed a hostile motion; and as the company was embarrassed, and emigration to New Zealand was arrested, it seemed prudent for the company to make terms, if possible, rather than leave the arbitrament to a House which supported the Ministry of which Lord Stanley was a member. Mr. Buller framed his indictment when negotiation failed. Lord Stanley was the chief mark, but Fitzroy's alleged blunders were cited. Residents at Nelson roughly assailed the Governor's decision on the Wairau affray. He had invaded private rights, virtually suppressed the law, maligned the memory of the dead, and prejudiced public interests by needless



precipitation. They prayed for censure of the Governor by the Queen. Among the memorialists were Mr. Duppa, Mr. E. W. Stafford, Mr. Fox, Mr. Dillon Bell, Dr. Monro, and Mr. Alfred Domett. Lord Stanley's despatch approving Fitzroy's proceeding was on the table of the House in March, 1845. "I am of opinion," he said, after summing up the case, "that, in declining to make the conflict at the Wairau the subject of criminal proceedings, you took a wise, though undoubtedly a bold, decision." He did not disapprove the acceptance of the resignation of the magistrates who had signed the warrant to apprehend Rauparaha and Rangihaeata, and had asked Sir Everard Home to enforce it. He approved generally the land arrangements made with Colonel Wakefield. He abstained from condemning the ten-shillings-an-acre Proclamation at Auckland, though he suggested that certain evils must be guarded against in carrying it out. To denounce Fitzroy was therefore to condemn the Secretary of State. But Mr. Buller did not shrink.

Tidings had reached England of outbreaks at the Bay of Islands. Instigated by designing men, English and other Europeans, Honi Heke was reported by Fitzroy to have cut down the flagstaff at Russell (Kororarika). There had also been disturbances at New Plymouth; but Fitzroy reported them as set at rest by his reversal of Spain's decision. Members of Parliament were excited by the acknowledged danger of some thousands of their countrymen. Sympathy, even with wrongdoers, was not unnatural in their distress: but the company had many friends in the House, and laid all blame at the door of the Government. The Remuera gathering seemed to show that the land question might unite the Maoris. It was hard to decide in England whether Honi Heke's violence was the prelude to concerted action.

In July, 1844, that chief with about 100 others assembled to demand payment for abusive language used by a Maori woman married to a European named Lord. Mr. Kemp, a Protector of aborigines, for awhile dissuaded Honi Heke from violence, but after two days he and his companions, mostly young men, plundered one or two houses, and otherwise provoked the residents by gross behaviour. Henry Williams was absent, but with the aid of Archdeacon William Williams the Maoris were

persuaded to abstain from disorder on Sunday. Nevertheless, at daylight on Monday they cut down the flagstaff, and though they then departed it was understood that they would return in greater numbers. Captain Fitzroy was about to sail in H.M.S. 'Hazard,' to avert the dreaded conflict at Taranaki, whither he sailed on the 20th July. But he sent a few soldiers to Russell as a temporary measure, and to Sir George Gipps, "for immediate assistance both military and naval." The crisis was serious. National honour was involved. He must have an overpowering force, and he would then "demand ample atonement from the chief Heke." Gipps summoned his Council on the day on which the letter reached him; and it was resolved to send a detachment of the 99th Regiment; with an intimation that the troops should be sent back on the cessation of the emergency. Within two days the vessel which carried Fitzroy's appeal was freighted with soldiers, with two six-pounder brass guns, and 30,000 cartridges. When the troops reached Kororārika on the 14th August, Fitzroy with their aid, and H.M.S. 'Hazard,' made some show of power. Meanwhile neighbouring chiefs, through the Protectors, asked to be allowed to atone for Heke's misconduct. Waka Nene offered to guard the English from harm if Fitzroy would send back the troops. One disturbing cause which had enabled Heke to find supporters was to be found in the Customs Laws. Two American ship-masters had been fined for smuggling, and the Maoris were insidiously told that the interference with their commerce was due to the malignant influence of the Queen's flag, which had made them "hērē hērē" (*αἰχμάλωτοι*),<sup>1</sup> slaves to the Queen. Waka Nene said that if Fitzroy would abrogate the Customs Laws the grievance would vanish. Fitzroy accepted the advice. On September 2nd a meeting of chiefs was held. Fitzroy addressed them. The number of guns and tomahawks demanded by Fitzroy was given up, the chiefs springing up and laying them at his feet; and assurances of good feeling were pronounced by leading chiefs. Fitzroy returned to them their weapons. More than a score of chiefs spoke, and Waka Nene was sternly practical. The Maoris would fight for the flagstaff;

<sup>1</sup> Like customs produce like words. Hērē is a Maori word for spear. Hērē also meant "to bind with cords," and a captive was *δεσμώτης*.

“you may return the soldiers. Return, Governor, we will take care of the flag; we, the old folks, are well disposed, and will make the young folks so also.” Bishop Selwyn was there, and spoke, as did other clergymen, and conference was held on the following day with a few chiefs on the land question, at which Fitzroy’s statements were deemed satisfactory. Fitzroy warmly thanked Gipps, and told him that the disturbance “had been caused by the false assertions of bad and designing men,—English; and by the land question, and above all by the Customs regulations which have almost destroyed the traffic of the Bay, without producing any very considerable amount of revenue. By removing the Custom House officers from this port, the root of the mischief will be, I believe, extracted.” On the 28th September, he passed an Ordinance in Council repealing the Customs’ Ordinance and imposing a rate upon property. His Council bent before the crisis unanimously. Rumours were rife to the effect that Americans and French Roman Catholics stimulated disaffection, and told the Maoris that the British flag was the cause of all their woes. And now the sins of the majority of the Select Committee of the House of Commons found them out. Designing persons pointed to the scarcely-veiled rapine of Maori lands which the report recommended; and its unveiled disloyalty to the treaty made by the Queen. Lord Howick and his supporters had therefore done all that was in their power to promote strife and bloodshed in New Zealand and to heap difficulties upon the Governor. As soon as Clarke, the Protector, saw the resolutions of the Committee he warned Fitzroy that their circulation must disturb the peace of the country and destroy confidence in the Government. To impeach the treaty of Waitangi; to impugn the rights of the chiefs to wild lands; to assert that the company ought not to be bound to prove absolute purchase from Maoris who had surrendered their sovereign rights, and to demand exclusive title in the Europeans in contempt of those of the natives,—these were such unjust resolutions that they must array with Heke many chiefs who were as yet friendly. “I need not add,” he said, “that your Excellency (to secure you from the effect of such publications) has need of both steamers and an army to ensure the peace of the country.” Before

the arrival of the Ides of March, Clarke's prophecy was to be made good.

Fitzroy told Lord Stanley (24th February, 1845), that the only guarantee for the future was to be found in "the presence of an overawing force of regular troops." He sent an extract from a New Zealand journal, which would, he said, be undoubtedly translated to Rauparaha by one of the mischievous Europeans about him. Rauparaha was denounced as a "beast of prey," a savage whose life is forfeited by the rude laws of his own tribe as well as by those of England. His own countrymen would acknowledge the right of the kinsmen of those who fell at the Wairau to take his life . . . against him as against a mad dog there is but one security,—death. . . . Blood must have blood is the only maxim whose enforcement can deter the savage from murder. There will be no security till Rauparaha and Rangihæata expiate the massacre of the Wairau by their deaths." Such writings did more damage to English rule than the presence of a thousand soldiers could undo. Moreover, Fitzroy was warned, and believed that the influence of the chiefs, so far as it was salutary, was being sapped, and lawless aspirations were coursing through the veins of the younger spirits of the tribes. Wild ideas of expelling the English were fostered by foreign intrigues.

In September, a native woman was wounded in the finger by accident by constables who went to apprehend an Englishman of bad character with whom she cohabited. Redress was sought, but the magistrates at Kororarika dismissed the case, and a band of natives violently seized a settler's horses and told him they would keep them till the police magistrate paid for the shedding of the woman's blood. Afterwards, "they would return the horses." By the intervention of Henry Williams and Clarke, the Protector, whom Sir Everard Home took to Kororarika, a composition was made. A cask of tobacco and a colt were given as compensation. Clarke made gloomy prognostics as to the aggressive tendencies of some of the younger Maoris, and advocated measures to enhance the power of the chiefs. Meanwhile Heke corresponded with Fitzroy, whom he invited to a conference, though he himself had not attended the previous meeting of chiefs with Fitzroy. Till Fitzroy met him "con-

fusion would remain in the world for ever ; if you will not come, I have nothing more to say than this, that I shall cease to look and think favourably of your good words ; then I shall call to the infernal gates to burst and deluge the world with darkness." He had kept away from Waimate, he said, to avoid quarrel with the natives. Fitzroy gave him peaceful advice, and said he hoped to visit the Bay of Islands in the summer, and then to meet Heke.

It has been noticed that Fitzroy passed an Act exempting Maoris from imprisonment in certain cases. In September, 1844, he was at his wits' end in dealing with the finances, further pacifying the natives, and neutralizing the seditious practices of the foreigners who excited disaffection. In May he passed an Ordinance authorizing him to issue debentures. It was disallowed in England as contrary to the Royal Instructions, to prevailing rules, and to the welfare of the colony. In June he passed another Ordinance amending the Customs laws, altering certain duties, and imposing a duty of thirty per cent. on imported guns, weapons, gunpowder, &c. During the same period general legislation was pursued. Every man of full age was made a burgess, and, till he paid any rate, might by paying one pound to the returning officer claim to be put on the roll. Every settlement with 2000 souls was to be a borough.

Fitzroy doubtless hoped to stir the Maoris to self-government by associating them in municipal duties with the Europeans. On the 16th September he thought he had discovered a panacea for "the discontent fast increasing in the minds of the natives at not being allowed to trade alike in all places." At whatever cost the ports must be thrown open. It was the only measure which could "avert extreme misery, and save the colony from utter ruin." "We have no money except the paper currency." The absolute poverty of the settlers (there were 400 deeds of grants of land which he had signed for which the grantees were unable to pay the fees), the distress caused by the cessation of the company's operations, the arrears due by Government, were causing the utmost perplexity. Officials were receiving only half salary in paper money. Fitzroy hoped for a grant from Parliament. He passed his Ordinance repealing the Customs' duties and imposing a tax on property, real and personal, of one

per cent., commencing at the unit of £100. There were not many who could be supposed to have incomes exceeding £1000 a year, but all who chose to do so could compound by paying a yearly sum of twelve pounds. He trusted "that Her Majesty would be graciously pleased to sanction such unprecedented proceedings in consideration of the unprecedented nature of the case, and the most critical condition of the colony."

His measures were not destined to allay the feelings of the disaffected Maoris. His Customs Duty Abolition Act was itself repealed by an Ordinance passed in April, 1845. It had not pacified the natives, or reconciled Heke. He could not collect the new taxes. The re-establishment of the duties was hailed, he said, with as much delight by all classes as their abolition had been six months before. In the midst of his anxieties he never swerved from a desire to do justice. While warning Lord Stanley (October, 1844), that a sufficient cause might unite the tribes against the English, he urged that "under God's providence the only means" to avert evil was "to take care that our conduct and policy towards the aborigines is so undeniably correct and just that it will stand their most searching scrutiny."

Early in the summer Heke resumed operations. On the 10th January he cut down the flagstaff at Kororarika, but did not enter the town or attack the English. Fitzroy proclaimed a reward of £100 for the capture of Heke, and appealed, as before, to Governor Gipps. Heke retorted by offering a reward for the capture of Fitzroy. Gipps told his Council that in his opinion troops should be sent from Sydney, and he saw what Lord Howick and Mr. Aglionby had been unable to see, for he recorded his "fear that the want of troops to keep in check the natives and to preserve peace between the two races, would be more extensively felt in proportion as the late report of the Select Committee of the House of Commons should become generally known in the colony."

Bishop Selwyn (writing about the same time to the Rev. E. Hawkins) deplored the same evil. The missionaries and clergy had always maintained that England would honourably respect the treaty of Waitangi and the rights of the Maoris. "To our great surprise and grief all our assertions have been falsified by the late report of the House of Commons, by which all lands

not actually occupied by the natives are declared to be vested in the Crown; . . . they can see the merits of a question as clearly as we can . . . if they detect us in a falsehood, or even in a change of purpose the reason of which they cannot understand, our influence with them is lost." Two hundred soldiers of the 58th regiment were sent at once from Sydney. Heke was thought by the police magistrate at Kororarika to have been partly deterred from further measures (destruction of public buildings) by a gathering of 200 natives friendly to the English. The second destruction of the flagstaff was significant, and Fitzroy resolved to protect the new symbol of power. Commander Robertson of H.M.S. 'Hazard' took from Auckland a block-house, close to which a new and strong flagstaff was to be erected, "guarded by iron bars, hoops, and chain, so as to resist any axe." A military guard was to be stationed in the block-house nightly. In the end of February the flagstaff was set up. In the same month Clarke, the Protector, reported that Heke, Kawiti, and five others were most disaffected among the chiefs, while Pomare, Ruhe, and Tareha were wavering. Waka Nene, his brother Patuone, Tawhai, and other notable chiefs were opposed to Heke's aims, which were announced to be freedom and the removal of every mark of British authority. Like Catiline (it was said that) Heke had gathered round him the eager and riotous from many tribes.

Fitzroy wrote to Gipps (February, 1845), that relying on future help he was acting on the defensive only. The majority of the natives were friendly, but might be made hostile by injustice or undue interference. The settlers were warned that they must enter Kororarika if they wished to be protected. Heke and his friends meantime closed round the settlement. Kawiti's men plundered houses in the outskirts and opened fire on a boat sent from H.M.S. 'Hazard' to intercept them. Archdeacon H. Williams tried his persuasive powers upon Heke in vain. Fitzroy wrote to him (18th February, 1845): "This country and Great Britain owe you deep gratitude for your untiring efforts to put mistaken people in the right track." It was by assiduous explanation of the justice of the treaty of Waitangi and extolling the good faith of the Queen that Williams prevailed. He circulated amongst the chiefs many



copies of the treaty printed for the occasion. Heke was obdurate. He said the treaty "was all soap, very smooth and oily, but treachery was hidden under it." All the inhabitants of Kororarika were drilled by Lieutenant Philpotts of H.M.S. 'Hazard.' On the 8th, Henry Williams with the police magistrate went to Heke's camp and made a last effort to stay hostilities. On the 9th March, it was believed that Heke and Kawiti with their own followers and allies were from six to seven hundred in number. On that day Lieutenant Philpotts and Mr. Parrott, midshipman, while reconnoitring, were surprised by a large body of Maoris, who detained them for about ten minutes, but liberated them on finding that they had no followers. Chivalrous feeling of such a kind did not check hostility. On the 11th March, before daylight, by several bands of about 200 each, a general attack was made. The guard at the block-house going out at four in the morning to dig a trench were disturbed by firing, and were under arms to assist in repelling the assault when Heke dashed forward with a chosen band and, while most of the guard were away, secured possession of the block-house before the officer knew of his presence. The block-house was on a steep hill, and to avoid severance from his friends, the officer retired down the hill to a lower block-house. The seamen and marines of the 'Hazard' did yeomen's service, as did the military and the civilians; but the flagstaff block-house was the key of the position. From it, as from a tower, everything around might be surveyed. Yet though the civilians under arms were but 110, and the military only 50, the main attack was repulsed. The 'Hazard' contingent behaved nobly, and Lieutenant Philpotts had to command when his senior officer, Robertson, was wounded in several places, after successfully repulsing the attacking party. Firing continued till noon, when the Maoris hoisted a flag of truce and desired to bury their dead. What might otherwise have followed can only be guessed, for the blowing up of the European powder magazine induced a resolution (after conference on board the 'Hazard') to evacuate the settlement. Captain McKeever, of the U.S. frigate 'St. Louis,' energetically aided in carrying the refugees, in unarmed boats, to the 'Hazard,' to the 'St. Louis,' and to an English whaling vessel. The natives did not interrupt

the removal, which was covered by firing from the 'Hazard.' Most of them remained on the heights while small reconnoitring parties entered the deserted town. Some of them assisted Henry Williams in removing dead bodies to the boats. Others carried property thither. The Bishop and Williams were not molested as they buried the dead.

In reporting the catastrophe to Fitzroy, Lieutenant Philpotts returned "the thanks of every person on board to the Bishop of New Zealand, in the first instance in bringing off the women and wounded, when exposed to a heavy fire, and also in attending during the whole night to their spiritual and bodily wants, performing the most menial offices, and doing everything in his power to alleviate their sufferings." In the same despatch, while recording the release of himself and Mr. Parrott on the 9th, he paid tribute to "the noble conduct of the natives in sending under the protection of a white flag, from the first block-house, the wife and child of John Tapper, signalman at the flagstaff, who was wounded whilst bravely working one of the guns." The crowded condition of the ships rendered it dangerous to retain the refugees at Kororarika, and they were removed to Auckland.

The day after the evacuation the Maoris pillaged and burned the town. Fitzroy reported that justice required him "to state that European troops would not have behaved better nor shown less vindictiveness. Acts of a chivalrous nature were performed by them, and their forbearance to the settlers, especially the missionaries, after the conflict was remarkable. No missionary, no mission property, known to be such, was injured intentionally." The American captain (Fitzroy said) "could not interfere hostilely, but he sent his unarmed boats and went himself under frequent fire to succour the women and children and convey them safely to his frigate." The surprise of the block-house, from which the officer and sixteen men were distant only two hundred yards, and the subsequent explosion, had rendered it impossible to maintain the place. Fifteen British had died, and more than twenty were wounded, while the relative casualties amongst the Maoris doubled those of the Europeans. Thus for the third time was the flagstaff cut down.

Sir Everard Home, stirred by Fitzroy's appeals, sailed from

Sydney for Auckland on the very day of the attack. He attributed the ill-success at Kororarika to want of knowledge of Maori tactics, and not keeping the troops inside the block-house when alarm was made. The officer in charge had erred on the side of boldness, for while he advanced to fight one band of Maoris another band dashed forward to profit by his absence from the block-house. The conduct of the officers, seamen, and marines of the 'Hazard' was the theme of praise in all mouths. Fitzroy had "had offers of assistance from several tribes in the north of New Zealand of about 3000 men, which he declines accepting unless driven to extremity, lest they should become his masters." <sup>1</sup> Sir Everard Home would take the responsibility of remaining at New Zealand against orders till justified in leaving. "The present time is thought by the Governor to be the most critical hitherto experienced in this colony, and it is his opinion that upon the events of the next few months will depend its actual tenure by Great Britain. The utmost efforts have been used by designing men, chiefly foreigners, to render the natives dissatisfied, and to persuade them that we shall ultimately take away their lands and make those whom we do not kill our slaves." On the 25th March, Fitzroy passed a Militia Ordinance, against which he received petitions, complaining that to organize a local force would keep back permanent assistance from England, and objecting on various grounds to compulsory service. The friendliness of Henry Williams to the Maori race made one of the officers accuse him of treachery. The Governor comforted him by writing (2nd April, 1845), that "the charge was unfounded, unjustifiable, and ungrateful, as it is indeed absurd." <sup>2</sup>

The attack on Kororarika was not known in England when, in June, 1845, Mr. Buller led the Whigs in an assault upon Lord Stanley in the House of Commons, though there Lord Stanley no longer had a seat. He had gone to the House of Lords. In April he had disallowed Fitzroy's Debuture

<sup>1</sup> 'Life of Henry Williams,' by Hugh Carleton; vol. ii.. Appendix. Auckland, 1877. "Previous to 11th March friendly chiefs went several times to offer their services to protect Kororarika against Heke and Kawiti, but were told to 'clear off the ground' lest they should be mistaken for the enemy" ('Narrative,' by Henry Williams).

<sup>2</sup> *Ibid.*

Ordinance as contrary to the Governor's instructions and otherwise vicious. The bankrupt state of the finances, the stoppage of the company's business, the condition of the Maori mind, required more than advice in a despatch. Fitzroy was recalled; not in the offensive manner which hurried Sir Eardley Wilmot to his grave in Tasmania shortly afterwards, but with words of regret which, when read in the House of Commons, soothed the feelings of friends.

Governor Grey was directed to proceed from Adelaide and assume the government of New Zealand without delay. Anticipating his acquiescence Lord Stanley enclosed his commission; but the government of South Australia was to be administered provisionally so as to be open for his resumption. To insure his personal independence his salary was "to be paid immediately by the Lords of the Treasury." His new duties had nothing to recommend them but their arduous nature, but, Lord Stanley wrote: "The urgent necessity which has arisen for invoking your aid in New Zealand is the single apology I have to offer (to a man of your character it will be ample apology) for calling on you with no previous notice" to proceed to New Zealand to relieve Captain Fitzroy. He wrote magnanimously about the Maoris. As to the "doctrine maintained by some" that the Waitangi treaty was only a blind to deceive ignorant savages, he said: "In the name of the Queen I utterly deny that any treaty entered into and ratified by Her Majesty's command, was or could have been made in a spirit thus disingenuous, or for a purpose thus unworthy. You will honourably and scrupulously fulfil the conditions of the treaty of Waitangi." Parliament would be asked for a grant in aid, but on Grey was imposed "the responsibility of finding his own path through the financial difficulties" in the mean time. He must send "reports frequent, punctual, and complete." In this Fitzroy had failed to do justice to himself. The unfriendly relations with the natives were the chief causes which made Grey's appointment necessary. To his "energy, capacity, and circumspection" Lord Stanley looked. "I devolve upon you a responsibility which it is impossible for me to narrow, and of which I am persuaded you will acquit yourself in such a manner as to enhance your claims to the approbation of the Queen and the gratitude of Her

Majesty's subjects." To Fitzroy he wrote: "The concern with which I announce this decision is greatly enhanced by the remembrance of the public spirit and disinterestedness with which you assumed this arduous duty, and of the personal sacrifices which you so liberally made on that account, nor can I omit to record that in whatever other respect our confidence in you may have been shaken, Her Majesty's Government retain the most implicit reliance on your personal character and in your zeal for the Queen's service."

Fitzroy received his recall not without dignity. He was aware that his endeavours to act honestly towards the natives, for the safety of the settlers as well as from principle, had been followed by unceasing efforts to procure his resignation or recall. "It is not known, and I have endeavoured to conceal the fact from the settlers lest still greater alarm should prevail, that I have been struggling to preserve their lives; and that I have willingly sacrificed my own character, temporarily, for the sake of preventing such hostilities as (while there was no protecting force in the colony) would have caused the extermination, not of the natives, but of the settlers." It was true, but Fitzroy could not state that the gross breach of faith recommended by the Committee of the House of Commons was the most serious obstacle to peace and the most potent weapon in the hands of the seditious. The sailor Governor was not without friends in Parliament. It was known that there were petitions for his recall. Dr. Evans had been deputed by colonists at Wellington to present a memorial in England. They echoed Lord Howick's false phrase by speaking of "what is called the treaty of Waitangi." They denounced Fitzroy's penny-an-acre proclamation of October, 1844. They strove to limit the rights of the natives to lands in "actual use and occupation," though it was plain that the owner of a moor in the Highlands of Scotland might be deprived of his inheritance by the construction thus put upon the terms, "full, exclusive, and undisturbed possession of their lands and estates, forests, fisheries, and other properties which they may collectively or individually possess." Dr. Evans went beyond the memorial in assailing the Governor. He had "publicly caressed the perpetrators of the massacre of Wairau;" he had exposed every man to ruin;

he had "abolished Customs duties for the avowed purpose of gratifying rioters."

Under-Secretary Hope heard and cross-questioned Evans. The baffled envoy complained to Lord Stanley that "the conclusion of the interview has left me completely in the dark as to your Lordship's motives in desiring that I should wait upon Mr. Hope." On the 26th May, 1845, Mr. Hope, by Lord Stanley's directions, acknowledged his communications, and said that it was Lord Stanley's "intention to reserve for Captain Fitzroy's successor whatever instructions he might think it right to give." Mr. Hope added that the impetuous delegate had placed an erroneous construction upon the interview with himself.

Before leaving New Zealand Fitzroy proved that his anxiety for its welfare exceeded his care for himself. "Let me congratulate you," he wrote to a friend (November, 1845), "on the result of three nights' sharp debate in the House of Commons on New Zealand. The company were beaten by fifty-one; the integrity of the *Treaty of Waitangi* being thus secured against all their infamous endeavours, for *that* was the point at issue."<sup>1</sup> But Fitzroy was not friendless. The gallant Captain Rous, a brother sailor, asked early in May whether his friend was to be recalled. Mr. Hope, in admitting the fact, quoted the kindly language of Lord Stanley's despatch. Somewhat soothed by the tribute to Fitzroy's character Rous turned upon the company. The company made government impossible. Rous had recommended Fitzroy not to accept the post of Governor, encumbered by such an *imperium in imperio*. Why did not Mr. Buller bring on his motion? Rous would prove that the company had acted illegally and had inveigled immigrants under false pretences. On the 20th May, Rous threatened to move that the Waitangi treaty ought to be maintained "with strictest integrity." On the 30th, Mr. Hope explained that Buller's motion had not been postponed to please the Government. On the 17th June, Mr. Buller sought to bring New Zealand affairs under consideration of a Committee of the whole House. He called the treaty of Waitangi a sham; reviled Busby the Resident, the Maoris, the missionaries, and all who differed from the New Zealand Company; assumed that Wakefield had fairly

<sup>1</sup> 'Life of Henry Williams,' by Hugh Carleton. Vol. ii. p. 120.

bought the Wairau district from Rauparaha; attacked Fitzroy for fostering Maori insolence, and giving way to Heke by abolishing the Customs duties; Lord Stanley, for being obstinate to the last; and occupied, if he did not edify, the House for several hours. Monckton Milnes was not ashamed to support the motion. It was evident that, trusting to public consternation, or indignation, Buller hoped to snatch a party triumph. The Under-Secretary lengthily replied; but in a court of honour he might have contented himself with citing Lord Normanby's despatch acknowledging the "title to the soil and sovereignty of the New Zealanders as indisputable, and solemnly recognized by the British Government." On what plea could the Whigs abandon the construction put upon the treaty by their own leaders who made it? Captain Rous, in the adjourned debate, boldly defended the Maoris, categorically confuted Buller, defended Fitzroy, and maintained the binding nature of the treaty of Waitangi. Mr. Aglionby, a Director of the New Zealand Company, and a member of the Select Committee of 1844, spoke in obedience to his position. Mr. (afterwards Sir Henry) Barkly reluctantly supported Buller, feeling that the English could not recede from New Zealand. Sir Robert Inglis, who was at least a gentleman, warmly maintained the treaty of Waitangi, and pointed out that for little more than £7000 the New Zealand Company had the audacity to claim to have bought 15,000,000 acres. Mr. Hawes, the late Under-Secretary, supported Buller. Sir H. Douglas vindicated the treaty, and made merry with the contention (of the company's friends) that the Maoris had but "a qualified ownership" in their native land. Lord Howick, the arch-sinner of the Select Committee, again impugned the treaty of Waitangi, and objected to the rumoured appointment of Captain Grey, whose rank, age, and station were such that he could hardly carry weight and authority. Again the debate was adjourned. On the third night Messrs. Ellice, Mangles, R. L. Shiel, and Lord John Russell supported Buller; Messrs. Cardwell, Colquhoun, Sir James Graham, and the Prime Minister battled for Lord Stanley.

It was almost unprecedented for a colony to engross the attention of the House so long. It was bought indeed by blood, and Lord Howick and his friends were those who caused



it to be shed; but to have turned the House aside from the petty fencing with which it sometimes amused itself was deemed a high honour. It is worth a passing remark that Macaulay, whose phrase about London Bridge has filled the mouths of hundreds of thousands, had not a word to say on this occasion about the New Zealander. Shiel's want of sincerity was shown by his stilted language. He accused Lord Stanley of "splenetic authoritativeness and fractious sophistication." Had Lord Stanley been in the House, Shiel would have probably suffered not from sophisticated, but from plain and vigorous English in reply. Mr. Cardwell and Sir J. Graham defended their absent friend. The latter cited the treaty of Waitangi as binding on the honour of England. Lord John Russell gnawed at the treaty; he would narrow the Maori rights to land "in actual occupation by them." Some members might sin through ignorance, but Lord John sinned boldly with full knowledge of his own degradation, and of the crime he advocated. Sir Robert Peel, at the close of one of his masterly common-sense statements, showed that if the House should now censure Lord Stanley, it would repudiate the doctrines which it had maintained when the treaty was made,—solemnly made by those who now on the Opposition benches were impugning and seeking to violate it,—would lower its character in the estimation of all who respected fidelity to public engagements, and would condemn a Minister who, superior to powerful solicitations, had maintained the good faith and honour of his country. Buller in reply said petulantly that Peel had repeated "all the flummery about the treaty," but the House rejected his motion by 223 votes against 173.

Then further ominous tidings arrived from New Zealand, and, while the public mind winced under them, Buller renewed his attack (July), moving that the feelings of the House were "greatly aggravated by the want of any sufficient evidence of a "change in the policy which led to such disastrous results." Mr. (afterwards Sir) James Stephen was virulently attacked in the debate. That practised despatch-writer had in 1840 been bitterly described by Charles Buller under the style of "Mr. Mother-country of the Colonial Office," and the powerful mind of Gibbon Wakefield had barbed every dart which he could

wing against one whom he looked upon as the embodiment of errors in colonization. Mr. Roebuck now attacked him in Parliament, and Sir Robert Peel placed lance in rest in his defence. Mr. Stephen had offered to resign, but the Government wished him still "to continue to give to the public the great value of his services." There was personal animosity against him. The company had angry correspondence with the Colonial Office concerning the meaning of words in the agreement made by Lord John Russell in 1840. "For the present," it said, "Her Majesty's Government engage that all sums of money which shall be paid by the company for the purchase of lands in New Zealand shall, whenever such money shall be paid in this country, be laid out in the removal of emigrants to New Zealand." In December, 1840, and in June, 1841, Lord John Russell intimated that "after the emigration of the present season, fifty per cent. of the produce of land sales both from the company and individuals would be retained for expenses of survey, aborigines, and other necessary local charges." In December, 1840, the company were thankful for the "gratifying information" thus afforded. In August, 1841, they remonstrated against it as limiting the emigration fund. Lord John adhered to his decision on the ground that the words "for the present," were expressly designed to leave Government at "liberty to vary or modify their regulations." The company alleged that "for the present" had been verbally explained as "some years," or "two or three years," and impeached the equity of Lord John's sudden change. Despatches as long as essays were exchanged. Lord Stanley was asked to revert to the original terms, or "failing that to dispense with the rule as it applied to the Nelson settlement." He properly declined to construe a written contract by vague memory of conversations. Yet, while not admitting the justice of the claim made he consented, because his predecessor's change of policy had been sudden, to devote to "such public objects connected with the Nelson settlement as shall be agreed upon between the company and Her Majesty's Government" one half of the purchase-money of the first 100,000 acres to be bought by the company. In these discussions the difficulty of weaving falsehood into the shape of truth was unpleasantly brought home to the company.

In November, 1841, Mr. Somes sent to Lord Stanley a violent indictment against Hobson, which in the reports of the company occupied forty pages. Lord Stanley, at an interview on 10th January, 1842, told the Directors that it was impossible to receive such a document without controverting its allegations, or to yield to demands made in such a manner. They formally withdrew it, negotiated more reasonably, and on 24th June, 1842, addressed a letter to Lord Stanley, accepting with thanks his final decision with regard to the application of Lord John Russell's terms to the settlement at Nelson. The indictment nevertheless remained at the Colonial Office. But when on the 24th January, 1843, the Directors threw off the mask and dared to demand that the Queen's plighted word should be treated as an idle device to amuse savages, they thought it useful to revive the document they had agreed to withdraw. On the 30th January, they sent it to Lord Stanley as a document signed by Somes "which was never transmitted." It was "a record of fears entertained at the time," but "not communicated" to Lord Stanley. It was intended to give weight to their statement that it was vain for them "any longer to contend with the hostility of the Government in New Zealand and the evils of perpetual conflict with your Lordship's department." Lord Stanley's memorable declaration (1st February, 1843), that while he served the Crown he would not admit that "any one acting in the name of Her Majesty could contract legal, moral, or honorary obligation to despoil others of their lawful and equitable rights," proved to the company that their threats had failed to overawe him. When the indictment of the 24th November, 1841, was again sent to him in 1843, he scornfully said he would "not hazard the expression of the surprise with which he read the statements" that it had not been transmitted or communicated to him in 1842; . . . statements "certainly at variance with the facts." It was still amongst the records of the department. He recounted the process of its formal withdrawal and the thanks proffered to him subsequently. As the indictment had been re-transmitted to him he remorselessly tore into shreds the arguments by which the company had striven to warp their agreement with Lord John Russell by reference to alleged conversations. He

proved from their previous letters that such perversion of the agreement was not compatible with the letters exchanged between the company and the Colonial Office.

Mr. Somes devoted several pages to a sophistical proof that he had with "perfect propriety" described the indictment as not having been transmitted. There was one discrepancy which even Somes could not overcome. On the 29th July, 1841, Somes had written that the Directors were partly prepared (by Lord John Russell's letter of December, 1840), for an intimation from Lord John Russell about the funds available for carrying emigrants to New Zealand. On the 20th August, 1841, the same Somes said they were "totally unprepared" for the same intimation contained in a letter dated more than six months after the first. Lord Stanley had pointed out the disagreement in May, 1842. Somes then alleged that different Directors had prepared the conflicting accounts of the mental condition of their body, and told Lord Stanley, "your detection of the slip which we had committed has served ever since to make us very careful in correspondence with your Lordship." If the company had accepted warning that Lord Stanley was not easily to be deceived, he had also been warned that their statements could not unreservedly be accepted. In May, 1842, he felt bound to omit "all reference to private conversations and understandings, and look to the official records of the transactions between the Government and the company as those alone by which he must be guided." In February, 1843, he refused to "engraft on the company's agreement an unrecorded condition varying or qualifying the express terms of it;" and he proved that the existence of such a condition was irreconcilable with several despatches written by the company's authority. It was Mr. (afterwards Sir) James Stephen, who was averred to have been "the organ of the Government" in conveying Lord John Russell's approval of a variation of the terms of the agreement, not recorded, but understood, at the time by Mr. J. A. Smith, Mr. Hutt, and Mr. Charles Buller, the recipients of Stephen's explanation. In March, 1843, that gentleman rebutted the charge that he had made any such pledge for Lord John Russell; and the evidence seemed to be in Stephen's favour. The company had signed the agreement

without introducing the variation. They were silent about it for twelve months during a correspondence dealing with the subject on which they alleged afterwards that the pledge had been given. Moreover, Stephen himself had differed from Lord J. Russell on the expediency of making the concession asked by the company, and could not have undertaken to pledge Lord John to that of which his disapproval was well known. Their letters, for twelve months after the agreement was made, clearly proved that Stephen had conveyed no such pledge to them. Moreover, Stephen saw the Directors, Hutt and Smith, in April, 1841, and no words then used by him could have influenced them to adopt the agreement which was signed in November, 1840. As to Mr. Buller, Stephen said: "So far as the question in debate is narrowed to this point, whether his recollection or mine of what passed between him and me alone is the more entitled to credit, it is a point respecting which I have no solicitude." These passages of arms account for the acrimony of the company against the permanent officer over whom Sir Robert Peel threw his ægis in the debate. Sir Robert was firm as a rock in defence of the honour of the country and of Lord Stanley. He did not say that the treaty of Waitangi ought to have been made, but maintained that being made it ought not to be violated. For his own part he thought the treaty had been unwise. It would have been better to assert sovereignty on ground of discovery and negotiate with the chiefs for the sale of land. But Lord Melbourne's Government had made the treaty, and England was bound by it. "Surely" (Sir Robert retorted in June to an interruption from Lord J. Russell) "the noble Lord will not make a distinction between Lord Normanby and himself . . . If ever there was a case where the stronger party was obliged by its position to respect the demands of the weaker it was the engagements contracted under such circumstances with these native chiefs." In July he said the point at issue was whether Lord Stanley should be unjustly censured for avowing his determination to carry honourably into effect the treaty made by his predecessor. "After all the volumes of controversy which have appeared, the question really resolves itself into this. Shall the Government undertake to guarantee in this country, within certain limits in New

Zealand, a certain amount of land without reference to the rights to that land vesting in the natives? . . . This I tell you distinctly we will not do; and if the House entertains a different opinion, it is but right that it should give expression to it. We will not undertake in the absence of surveys and local information, as to the claims of the natives, to assign to you a million, or any other number of acres, and dispossess the natives by the sword. . . . I will not do that which the New Zealand Company seem to think I might do—undertake to supersede a Minister who I believe has discharged his official duties with almost unexampled ability, and with a sincere desire to promote the interests of every colony over which he now presides.”

Lord John Russell ineffectually replied, and Mr. Buller's motion was defeated on the 23rd July. Worsted in Parliament, the company made a strange appeal to the law. They procured an opinion from counsel that the Government of New Zealand from the beginning rested on no lawful foundation, and that all past acts of the Governor and Council were null and void. They endeavoured to awe Lord Stanley by telling him of the fact, on the 7th July, lest he should commit any errors in despatches about to be sent to Governor Grey. Lord Stanley thanked them for their courtesy. His despatches had been sent away before their letter reached him, but he would consider with the aid of legal advisers the statement which the company were about to send. The opinion adverse to the legality of the Government was given by Mr. William Burge, and rested on technical grounds. Lord Stanley submitted it to the Attorney-General, Solicitor-General, and to Sir Thomas Wilde, who had been Attorney-General under the Ministry which sent the first Governor to New Zealand. On equally technical grounds, the names of Fitzroy Kelly, F. Thesiger, and Thomas Wilde, vouched that neither Mr. Burge's "reasons nor any other that occur to us furnish any well-founded doubt upon the subject." Lord Stanley directed Governor Grey to be guided by their opinion in New Zealand, and "if Mr. Burge's opinion should have been made public there (as will probably have been the case), you will give equal publicity to the joint opinion of the three legal advisers of the Crown which I now transmit to you."

The company were defeated at all points in England; and every eye was fixed upon Captain Grey, who in November, 1845, arrived in Auckland, where Fitzroy with less means and support than were confided to Grey, had not been able to terminate the financial or warlike difficulties of the time. In March he had wished to enforce the evacuation of the land awarded at the river Hutt, where some natives persisted in remaining. Richmond, the superintendent, was sure that if a proper amount of force were shown the Maoris would disperse; but all the available force was required in the North to cope with Heke and Kawiti.

There was a tribal feud between Te Heuheu and other Maoris, which Major Richmond, with the aid of Bishop Selwyn, the Rev. Richard Taylor, and Forsaith the interpreter, after much discussion diverted from bloody consequences in January, 1846. This was a triumph of peace, but no demonstration of power had brought it about. Meantime, the rumours of foreign interference took shape. Heke, acquainted with history, declared that he aspired to free his country, but the seditious friends who prompted him had no hope that New Zealand could alone maintain a national freedom. The English yoke must first be shaken off, and then the alliance of the United States was to be secured. Auckland, it was believed, was to be attacked in April. Fitzroy told Lord Stanley that at least two regiments of the line and three or four men-of-war were indispensable. He was one of the few who still trusted the friendly natives, arrayed under Waka Nene's guidance, to control Heke; "but the result, or their ultimate conduct, was doubtful. If attacked by moderate numbers we shall beat them off, but if an extensive combination of tribes takes place, awful indeed will be the consequences" (9th April, 1845). Again the dishonourable proposals of the Select Committee were England's worst enemy. What was so likely to cause extensive combination of tribes as proof that England would not keep faith? "On one side," Fitzroy wrote, "we shall have the consciousness of right and the energy of despair, and no retreat." After the burning of Kororarika, the barracks at Auckland had been made musket-proof, and fit to shelter the inhabitants, by virtue of a resolution



of the Legislative Council, which sat till the 22nd April, re-enacting the Customs duties, passing Militia and Highway Rate Acts, and (in order to obtain the required fees on Crown grants) imposing a fee of five shillings a month on all Crown grants left in the hands of the Government more than three months after notice that they were ready to be delivered.

Well might Captain Rous say that Fitzroy's position made good government impossible. Warned that he could hope for neither men nor money; his debenture measures being disallowed; his European subjects numbering about 12,000, distributed at eight settlements (the Maoris being estimated at 110,000), Fitzroy must in his inner heart have yearned for release from a post where he was neither provided with help from abroad, nor at liberty to act freely on the spot. One thing seemed certain. He would have to fight. His first remarkable action was a blunder which might have cost him the alliance of the friendly Maoris. Pomārē, a chief of the Ngapuhi (of whom Waka Nene was the recognized leader), was a sharer in the plunder of Kororarika. Fitzroy caused him to be captured by treachery while a flag of truce was flying, and Pomare's pah (at which dangerous letters were proved to have been written) was destroyed. Waka Nene sent a deputation to Auckland. He who had mainly induced his countrymen to make the treaty of Waitangi, was interested in maintaining friendly relations with the English. But if he should fall off the outlook would be gloomy. He asked for Pomare's release. He would guarantee his future good conduct, and would "root out" the rebels. Pomare was pardoned on conditions. He admitted that the letters written at his pah were very bad, but denied his complicity in them, and undertook to use his influence to obtain restitution of the Kororarika plunder. The chiefs were asked to restore it absolutely, but they stipulated that only what could be found should be restored. Pomare returned to his friends; and Heke and Kawiti, who could bring into the field no force which could cope with that of Waka Nene, endeavoured to strengthen themselves for resistance by building fortified pahas, which they thought impregnable. To these they did not retreat until Waka Nene had pressed them

hard, without any aid from the English, while Fitzroy waited for reinforcements.

In July, 1845, Clarke, the Protector, reported Waka Nene's doings to Fitzroy, and warned him that "if the British Government contemplated the immediate or even the ultimate adoption of the principles embodied and recommended in the report of the Select Committee . . . they would consider themselves relieved from every obligation, and rise *en masse* to assert and maintain their independence." Fitzroy transmitted this opinion to Lord Stanley in duplicate without delay; but that nobleman had already insisted on maintaining honourably the treaty of Waitangi, and to his plain speaking the company's settlers were perhaps indebted for safety. Had the intrigues of the company succeeded in England their emigrants might have been swept away in a hurricane of indignation. With a simplicity which amounted to the bitterest irony, the Protector said that Heke's arguments bore a strong analogy to the principles of the report of the Committee. Fitzroy (far more sagacious than the Governor in 1860 was to be found) warned Lord Stanley that the military talents of Maoris had been much under-rated. He saw the true cause of danger. In October, 1845, he said: "I cannot believe that those most dangerous resolutions of the House of Commons in 1844, respecting unoccupied land, can be adopted by Her Majesty's Government; but if such should be the fatal case, the native population will unite against the settlers, and the destruction of the colony as a field for emigration must be the result. There is not a braver nor a more intelligent race of men than the New Zealanders. It would require many thousand men, extremely well commanded and supplied, to conquer even half the Northern Island." As reinforcements reached him, Fitzroy determined to act, preserving friendly relations with the powerful Waka Nene and other chiefs. Portions of the 58th and 96th Regiments with men from the 'North Star' and the 'Hazard,' amounting in all to 400, under Colonel Hulme, aided by a similar number of Maoris under Waka Nene, proceeded early in May, 1845, to attack Heke at Okaihau, a pah of Kawiti's. Colonel Hulme's order to storm was strongly protested against by Waka Nene as an act of madness. Two rows of palisades

and a fosse guarded and concealed the defenders. A rocket disconcerted them, but Heke entreated them to wait for what was to come. A sally, made simultaneously with a rush from an ambush in the neighbouring forest, was foiled by the watchfulness of a native ally, and the besieged were driven into their entrenchments at the point of the bayonet. Kawiti lost two sons in the fight. Fourteen soldiers were killed and thirty-nine were wounded. At night the besieged Maoris were heard singing their evening hymn. Hopeless of storming the pah without artillery, Colonel Hulme drew off his troops without molestation, and the kindness of the Maoris in carrying the wounded through difficult paths won admiration from the soldiery. Surprise was mingled with respect when it was known that Heke's men deepened the graves of the English dead and caused Christian burial service to be read over them. Emboldened by success, Heke attacked Waka Nene at Pukenui with a superior force, but by determined bravery was driven back, himself and several other chiefs being wounded in the attempt to crush Waka Nene before fresh troops, under Colonel Despard, could be landed. Fitzroy, further reinforced by the arrival of Colonel Despard of the 99th Regiment, ordered that the enemy should be assailed at the Ohaeawai pah. Three rows of palisading protected it. The inner one was made of trunks of trees, some of them twenty inches in diameter. Between it and the middle palisade was a fosse five feet deep, in which the Maoris were concealed, and from which they fired. Underground passages communicated with the interior, in which also were excavations to shelter the Maoris, who were deemed to be 250 in number. Flax, hung over the outer palisade, served as a screen, and concealed the inner palisade.

Colonel Despard had more than 600 men and four guns. Waka Nene had 250 Maoris. On the 24th June, Despard opened fire. His guns were small and ineffective, and by much toil the commander of the 'Hazard' dragged a thirty-two pounder to the spot, and got it into position a hundred yards from the palisade. The enemy made occasional sallies: on one occasion so unexpectedly as almost to capture Despard himself. They took a British flag and hoisted it under Heke's in their pah. Judging from what he could see, Despard thought the

destruction caused by the thirty-two pounder justified an attempt to storm. Waka Nene deprecated it strongly, and was supported by the senior engineer officer; but Despard ordered the assault on the 1st July. One hundred and sixty soldiers under Majors Macpherson and Bridge, forty sailors and volunteers under Lieutenant Philpotts of H.M.S. 'Hazard,' essayed the hopeless task. They tugged at the palisades in vain. The strong inner one was almost uninjured by the bombardment. Two officers and nearly half the men were struck down before the baffled remainder drew off. A sally was apprehended, but the Maoris were otherwise engaged. They had captured a soldier of the 99th in the morning, and they danced their war-dance, and it was said tortured their prisoner. Through the still night cries, believed to be his, mingled with the groans of the wounded, and only overborne by savage yells, inflicted torture on his comrades at their camp. Archdeacon Henry Williams went to bury the dead, and was warned off but not assailed. The impunity with which he approached the rebels, as they were called, aroused the wrath of the fiery Philpotts, who denounced him unsparingly. After two days a flag of truce was shown in the pah, and the English were invited to bury their dead. Thirty-four were dead and sixty-six wounded. Captain Grant of the 58th Regiment and Lieutenant Philpotts of the 'Hazard' were among the killed. Not, it seemed, for cannibal orgies, but to mutilate a chieftain's body and please the god of war, the officers' bodies had been mutilated. When peace was made it was found that Philpotts' reckless daring in struggling to enter the palisade had earned for him the admiration of his foes. Disgust at imagined treachery and irritation at defeat were thought by some to have determined him to lose his life. It was said that the Maoris called to him to go back, being loth to kill a man so brave. The courage of the English soldier made him popular with his Maori enemies, one of whom said, "We had been often told that soldiers would go wherever they were bid to certain death; but we did not believe it. Now we know it." In the Maori theory of war the object was to avoid giving the enemy the pleasure of taking life, and fortified positions were valuable because they enabled the defendants to inflict loss on the enemy. To risk life in assaulting them was in Maori eyes a blunder. It was before

the assault on Ohaeawai that a peculiarity in Maori courtesy surprised the English. The convoys of food were unmolested on the ground that the enemy would not be able to fight if he had no food, and the Maori object was to fight him, not to starve him. Despard remained at his camp, and when the arrival of more shot enabled him to use a thirty-two pounder, on the 9th July he brought it to bear upon the pah. On the night of the 10th the Maoris evacuated Ohaeawai, but the English force knew nothing of the fact till told of it by a friend next day, who said that the Maoris were already at Ikorangi, ten miles away.

On the 14th July, Despard drew off his men to Waimate. He had doubly failed. Waka Nene thought him a fool for ordering such an assault. Heke's forces had abandoned Ohaeawai, but they claimed success on the ground that they had not lost so many men as the English. Clarke, the Protector, hoped that Heke would now seek peace, and to encourage him to do so Fitzroy sent the soldiers to Kororarika where they began to form a military post. The colonists deprecated the cessation of hostilities. Not to avenge the past was to submit to degradation, and to invite future ill-treatment by the Maoris. England must send troops. There must be no half-measures. No inquiry or diplomacy was necessary. Slaughter was the one panacea for all ills in New Zealand.

Donald McLean, the Protector of aborigines in the western district, was hospitably entertained by the great chief Hēū-hēū at Taupo in July, 1845, and wrote that Heu-heu praised Heke for asserting his country's freedom against the English, who were an insatiable people, for whom, however, the Americans were a check. Bonaparte would have been a match for the English, he thought, if he had not been taken by stratagem. But more peaceful agencies were at work. Bishop Selwyn had at his college a son of Rauparaha. Fitzroy sent to Lord Stanley a letter from Rauparaha himself to Whero Whero, the great Waikato chief, in which the old warrior urgently counselled peace with the white man, and reprobated the mad conduct of Heke. Through these agencies Heke remained in a minority, but Fitzroy forwarded a letter from a missionary stating positively that "if the Government were to attempt to put in practice the recommendations of the Committee of the House of

Commons there would be a general resistance." The Committee made it impossible for Fitzroy to govern peaceably, and he was reviled for not doing so. Fitzroy corresponded with Heke and Kawiti. In May, Heke justified the destruction of the flagstaff. He was told that it was the symbol that the Maoris had no power over their country. "I cut it down. God made this land for us and for our children. Are we the only people that God has created without giving land to live upon?" In July, after the siege at Ohaeawai, Heke called on Fitzroy to make peace, but he wrote proudly. Fitzroy told him that more ships and soldiers were coming, and that he must put down all who caused tumult and war. Heke was bound by the treaty of Waitangi which he had signed. In August, Heke wrote a long letter, again justifying himself, in graphic phrases. He sneered at the motives of Waka Nene and his friends, and said that if peace was not made with Kawiti it could not be made with himself. If there should be further war it would "assume a different aspect," and the fault would be Fitzroy's. Kawiti meanwhile was building fortified places. He wrote from one of them (September, 1845), Ruapekapeka (Bat's Nest) to Archdeacon Williams, consenting to peace at Williams' intercession. On the 29th September, Fitzroy communicated his terms.

1. The treaty of Waitangi to be binding.
2. The British colours to be sacred.
3. All plunder now in possession of the natives to be restored.
4. The following places to be given up to the Queen, and to remain unoccupied by any one until the decision of Her Majesty be signified, namely—parts of Mawe, Ohaeawai, Taiaimai, Te Aute, Wangai, Waikare, Katore, and Kaipatiki.
5. Hostilities to cease entirely between all chiefs and tribes now in arms, with or against the Government.

It is a strange commentary upon Wakefield's alleged purchases, and upon the charges made against Maoris, that some of the lands thus demanded by Fitzroy were not under the control of Kawiti or Heke. When Grey arrived in New Zealand, Fitzroy, better informed, wrote to him (22nd November, 1845): "Defective information about the lands was given to me. I was under the impression, until very recently, that the lands named, through Colonel Despard and the Rev. Mr. Burrows privately, included those of Heke, Kawiti, and the Waikadi natives." How

could Kawiti or Heke subscribe to such terms? Heke told Mr. Burrows on receiving them, that he must consult the owners of the lands required to be given up. Afterwards he said that none of the lands demanded were his. Kawiti was not the owner of some of them, but would yield none. Kawiti wrote (7th October): "It was you who said that I was the first to commence killing the Europeans, and that I should therefore be the first to propose peace. I accordingly gave my consent in a letter to Mr. Williams. It is he who said you were urging me to make peace; on this account I wrote a letter to you, but as you have said we are to fight—yes—we will fight. If you say Let peace be made, it is agreeable; but as regards this you shall not have my land,—no, never, never! I have been fighting for my land; if you had said that my land should be retained by myself I should have been pleased. Sir, if you are very desirous to get my land I shall be equally desirous to retain it. This is the end of my speech. It ceases here.—From me, KAWITI."

Fitzroy had proclaimed a free pardon for every native retiring from the rebel chiefs, but he postponed active hostilities lest, while Despard was attacking Kawiti, Heke should destroy Waimate. Despard had ascertained that the whole of his force would be required to take Ruapekapeka. Fitzroy awaited more men from England. On the 25th October, he made a catalogue of ships and men at his command. H.M.S. 'Osprey,' 'Racehorse,' 'Dædalus,' 'North Star,' and 'Hazard' were available, though the 'Daphne' had returned to Valparaiso. At Waimate Colonel Despard had 390 soldiers and 50 militia. At Auckland Colonel Hulme had 90 soldiers. At Wellington there were 150 soldiers and 200 militia. Colonel Wynyard had arrived at Auckland in October, with 200 of the 58th Regiment. The Rarawa chief Nopera Panakareao had arrived with 100 men to assist Waka Nene and the allies. In publicly welcoming him Nene pointed to the hills to which Heke had retreated, and stamped on the ground, as he hoped that Heke would come near, but declared that he had no will to follow him to the woods. It was disgraceful in Maori eyes to suffer loss from ambuscades. Panakareao and others were more eager for the fray. They "would not return back till they had drunk the



waters of the Kawa Kawa," a stream which watered the lands to which Kawiti had retreated. In the end of October, Colonel Despard had a long conference with Waka Nene and other chiefs, and it was determined that the Maori allies should remain near Waimate.

The new Governor arrived at Auckland on the 14th November, armed with the confidence of Lord Stanley, of a majority in Parliament, and with pecuniary and military supplies which had been denied to Fitzroy. On the 18th November, he assumed the Government. Rumours had been sedulously spread as to his evil intentions against the Maoris and their lands. Fitzroy's conditions of peace, which included surrender of lands, were unwise because they fostered a belief in such rumours. Grey held a *levée* on assuming office, and assured native chiefs who were there that the Queen desired to promote their happiness. On the 21st, the chiefs had a special interview with Grey, and were satisfied with his assurance that there was no desire on the part of the British Government to deprive them of their lands. They returned from Auckland to the Bay of Islands in H.M.S. 'North Star.' In reporting the interview, Grey advised Lord Stanley that the military and naval force asked for by Fitzroy should be placed at his disposal together with an armed steamer. The minds of settlers and natives were disturbed. Nearly £37,000 of debentures were afloat, and to interfere with them would breed general disaffection. The importation of arms and ammunition had never been checked, and his official advisers assured him that if he ventured to control it a general revolt was probable.

Of the sincerity of their fears there could be no doubt. Fitzroy either shared them or apprehended other ill consequences. He had received Lord Stanley's despatch disallowing the Deben-  
ture Ordinance six weeks before Grey's arrival. The last phrase was: "You will immediately cause Her Majesty's decision to be published in the usual and most authentic manner." He had disobeyed. It was not known in Auckland that the Ordinance had been disallowed. The day after he had assumed office Grey asked if the despatch had been received. It was not among the documents handed over to him. It was not produced till he had made arrangements to visit the Bay of Islands. He

promptly published the disallowance, and, to alleviate distress and allay alarm, he notified that of debentures for not less than £70, when produced at the Treasury, one-fourth would be paid in specie, and a debenture for the remaining principal and interest would be issued bearing eight per cent. interest, payable at any time at the option of the Government after three months notice. Grey's instructions, though not Fitzroy's, gave confidence that this step might be sanctioned, for Grey had almost a blank charter. To carry it into effect he borrowed £1800 from the military chest, intending to repay it out of the parliamentary grant to his Government. Having thus asserted his position with the whites he sailed to the Bay of Islands to deal with the Maoris. Within six days of his assumption of office he was able to write that the "hitherto friendly chiefs" were well acquainted with the discussions in the House of Commons, and were consequently distrustful, "their apprehensions being avowedly based upon what transpired during the debate" on Buller's motions. On the 28th he had an interview with the chiefs, on which much was to depend. Waka Nene and his friends received a public assurance from Grey (in conformity with Lord Stanley's direction) that it was the intention of the Government "most punctually and scrupulously to fulfil the terms and promises of the treaty which was signed at Waitangi on the arrival of Governor Hobson." He told them that he allowed Kawiti and Heke only four more days to accept Fitzroy's terms; promised to punish whites and Maoris impartially for any wrong-doing, and to acquaint the Queen with the loyalty of Waka Nene, Macquarie Mohi Tawhai, Broughton, and "other great and good chiefs." Waka Nene and others pronounced emphatically that Grey's speech was just and right.

War was deemed certain, for Waka Nene knew that Kawiti and Heke would not yield the demanded lands. To some of them Waka Nene asserted his own claims, and was so confident in Kawiti's honour that he declared if Kawiti were present, though an enemy, he would acknowledge the claims to be just.

A prompt acknowledgment that the Waitangi treaty was binding on the English was better than an army. Kawiti and Heke could bring no more than 700 men into the field. Waka Nene and his friends could command many more. They

had 900 under arms to aid Despard before Grey arrived. Mohi Tawhai raised 600 men at his own cost. Yet though opposed to Heke these chiefs were not unfaithful to their country like the tribes or nations used by the Romans in subjugating lands. The Maoris did not call in the aid of the English to enable them to win their battles. They accepted sovereignty because English, French, and Americans were gathering upon their coasts, and the island reeked with the moral abominations engendered by foreigners. They did not accept British rule until Marsden, who loved them so well, had been driven to the conclusion that it had become necessary in the interests of the Maoris themselves. Heke had clearly infringed the treaty which guaranteed the Maori rights so dear to all. Even Heke might not have been induced to destroy the flagstaff unless the House of Commons Committee had afforded grounds for the seditious advisers who surrounded him. Grey annihilated Fitzroy's terms by requiring answers from Kawiti and Heke in so short a time that it was impossible for them to confer in order to reply. He desired and expected thus to annul by artifice the terms, which, as Kawiti and Heke were not the owners of the lands demanded, could not be decently urged. Correspondence was carried on to the last. Grey's ultimatum had been given on the 27th November. On the 29th Kawiti wrote: "I am not willing to give up the Kotore which is demanded to be given up, because that place, the Kotore, does not belong to me. The right is with the people of the Kawa Kawa, with Matthew, with James. Now you understand I will not give up that place; that is the whole of my saying upon this subject."

He said in a separate letter that Waka Nene's fighting was not for the English dead: "No, it is on account of those who were killed long ago; on account of Hao, Tuahui, Tihi, and Pooka. These were killed long, long ago. Sir, Governor, the thought is with you regarding Waka Nene that he return to his own place. Do not be hasty about the land. Land is enduring, but man passes away. Friend, I have no desire to write to you, but you can write if you are pleased with my letter. Sir, if you say that we shall fight—it is well. If you say cease—it is well." Thus wrote the old warrior, though already he had passed the three-score years and ten allotted to man. Heke was more violent.

He said : " You are a stranger, we are strangers ; we do not understand your thoughts, and you do not understand our thoughts. God has made this country for us ; it cannot be sliced ; if it were a whale it might be sliced ; but as for this, do you return to your own country, to England which was made by God for you. God has made this land for us, and not for any stranger or foreign nation to lay hand on this sacred country." He cited the words of a war song : " Oh ! let us fight, fight, fight, aha ; let us fight, aha, for the land which lies open before us !—you have not taken it away to your land, to Europe . . . "

Old age and manhood thus rose against the desperate odds which were arrayed against them. Better a warrior's death than a slave's submission. The terms offered being as described neither chief would accede to them, and Grey was meantime preparing for war. Thinking it safer to rely on pecuniary gifts than on " abstract sentiments," he appointed some of the chiefs magistrates with salaries. He had about 700 men of the 58th and 99th regiments, with artillery and marines, and four ships of war were at Kororarika. Kawiti at Ruapekapeka, 22 miles south of Kororarika, had 200 men. Heke, 20 miles from Kawiti, had the same number. Grey directed Despard to move his troops to the head of the boat navigation of the river Kawa Kawa, in readiness to strike Kawiti, whose pah was distant thence only ten miles. After arranging for the issue of supplies of flour and sugar to his native allies, Grey returned to Auckland, summoned his Council on the 12th December, took " the first public opportunity of stating in the most explicit terms," in his opening speech, that he had " been instructed most honourably and scrupulously to fulfil the conditions of the treaty of Waitangi, by which the full, exclusive, and undisturbed possession of their lands and estates, forests, fisheries, and other properties which the chiefs and tribes of New Zealand and the respective families and individuals thereof, may collectively or individually possess, was confirmed and guaranteed to them so long as it may be their wish and desire to retain the same."

The machinations of the company, and the sinister recommendations of the House of Commons, were thus publicly disowned on the part of the Crown within a few weeks of the Governor's arrival in New Zealand. On the following day he

passed an Ordinance empowering him to regulate by proclamation everything relating to the importation and sale of warlike stores. Waka Nene and other friendly chiefs, wiser than the European counsellors, pressed the importance of passing this law upon Grey. It was therefore safe to pass it. He found the colonial debt to be £75,000: the outlay of the year £48,000: while the income from all sources, including a parliamentary grant, was only £25,000. He told Lord Stanley he must draw drafts in excess of the credit placed at his disposal, but would use all practical economy. He returned immediately to the seat of war, where the arrival of H.M.S. 'Castor' from China had increased the forces at his command. He had 1100 men available on shore, besides native allies. In due time all his proceedings were sanctioned by Lord Stanley's successor, Mr. Gladstone: his intended maintenance of the treaty of Waitangi being "highly approved." On the 19th December he gave written instructions to the chief Macquarie, who was chosen by the native allies to prevent a junction between Heke's and Kawiti's forces. "You, like a fine fellow, watch the rebels. If they march to join Kawiti, fall upon their rear; if they turn upon you do not commit yourself to a serious action, but feign a retreat. Then the moment they again turn towards Kawiti once more harass their rear. Repeat this operation as often as you can. But when they get near the Ruapekapeka, press them closely; and, if you can, drive them in upon Kawiti in a state of disorder. They shall be looked after when they get there. . . ."

Macquarie performed his task admirably. Heke, however, suffered no disaster. On one occasion he surprised a party taking cattle to the English camp, and gallantly assisted them in their task. When told afterwards that he should have captured them with a view to starve his foes, he replied as on a former occasion at Ohaeawai. In the end of December, Ruapekapeka was beleaguered by Despard. Roads were made and heavy guns were dragged over hills and through forests by the sailors, working in parties of fifty or sixty to a gun. On the 31st, rockets and shells were thrown into the pah. A stockade to cover a battery was in course of construction by the troops, and the detachment placed there was in imminent danger from

their retreat and carried off their wounded. The engagement lasted four hours. All firing ceased at two o'clock.

In his official report to the Governor, Colonel Despard said: "Your Excellency has been an eye-witness to all our operations, and I may say, actually engaged in the assault." Twelve English fell and thirty were wounded. It was estimated that the enemy had lost twenty-five men. Despard had reason to be thankful that Mohi Tawhai had stayed the assault. He reported on the 12th January:

"The extraordinary strength of this place, particularly in its interior defences, exceeded any idea I could have formed of it. Every hut was a complete fortress in itself, being strongly stockaded all round, with heavy timbers sunk deep in the ground and placed close to each other, few of them being less than one foot in diameter and many considerably more, besides having a strong embankment thrown up behind them. Each hut had also a deep excavation close to it, forming a complete bomb-proof, and sufficiently large to contain several people, where at night they were completely sheltered from both shot and shell."

Such was the strength of the place and such the gallantry of its defenders that unmeasured eulogy was poured upon its captors, although the besiegers thrice outnumbered the besieged, and had heavy guns and rockets opposed to common fowling-pieces and muskets. The news of the capture and the peace did not reach Sydney till the 11th February, where it gave relief to anxious minds. The capture was indeed significant. Grey's assurances had satisfied the Maori allies as to the maintenance of the Waitangi treaty. Kawiti and Heke could not hope to excite a general rising, and they were not so mad as to prolong strife in which the majority of their own countrymen were arrayed against them. They did not keep their forces together after making good their retreat from Ruapekapeka. Grey returned to Auckland, whither Waka Nene followed him on the 22nd January with a memorandum from Clarke, the Protector, and tidings that all the rebel chiefs had visited Pomare to obtain his influence in making peace. Waka Nene sent an emissary to Pomare's pah, who found that peace was really sought for and on any terms. They would give up any

lands over which they had control. Kawiti wished to see Waka Nene, but that chieftain, considering that the war was the Governor's war, not his own, determined to see the Governor and urge him to grant peace. He had not seen Kawiti. Kawiti, however, sent a characteristic letter to Grey :

“FRIEND,—O my esteemed friend, the Governor, I salute you. Great is my regard for you. This is the end of our converse which I now give you. Friend Governor, let peace be made between you and me. I have had enough of your riches (cannon-balls), therefore I say let us make peace. Will you not? Yes. This is the termination of my war against you. Friend Governor, I, Kawiti, and Heketene, do consent to this good message. Friend, this was my object in going to Karetu to see Pomare to make peace with you. This is the end of mine to you. It is finished.

“To my esteemed friend the Governor,  
“KAWITI.”

Pomare and another chief wrote in favour of Kawiti's request. Grey made a wise use of his opportunity. He proclaimed a free pardon, announcing that the defeat and dispersion of the rebels, their complete submission, and the intercession of Waka Nene and his friends, made him think it proper to give effect to the Queen's earnest desire for the welfare of her Maori subjects. Waka Nene consented, at Grey's request, to forego any claims to forfeited lands which Fitzroy's terms would have secured to him. Grey notified that letters found at Ruapekapeka and brought to him had been destroyed unread. He was aware that many who once abetted the rebellion were now friendly to the Government, and as he had not even ascertained the names of the writers of the letters no one need entertain apprehension of his displeasure. Martial law was discontinued. Another public notice declared that a captured rebel would be restored to his friends when cured of his wounds. Kawiti's last letter was as usual terse and characteristic. “This is my absolute consenting to make peace with the Europeans on this day. Exceedingly good, O Governor, is your love towards us, and I say also good is my love towards you. This is the joining of peace for ever, ever, ever.” Heke wrote at greater length, discussing how a flagstaff ought to be re-erected at Kororarika and by whom.



The Governor told Lord Stanley that Kawiti could thoroughly be relied on for the future, as he was "of great influence and the highest reputed honour." Heke was turbulent, but, repressed by Waka Nene and abandoned by Kawiti, was unimportant, and it was rumoured that in vexation he had resorted to "fire-water." Before the fall of Ruapekapeka Grey had boldly assumed authority over chiefs who affected neutrality. Out of twenty-six leading chiefs he had found ten actively loyal, nine neutral, and seven in arms. On his demand several of the nine rendered submission. All his proceedings were sanctioned by the Queen. There was one which did not in terms meet the eyes of the English Government, and which, if its consequences could have been foreseen, the new Governor would have been prudent to avoid. Much has been written about it, and it therefore deserves mention. It was rumoured that amongst the letters found at Ruapekapeka were some which involved the good fame of Henry Williams, trusted by Fitzroy and beloved by Maoris. Having announced that he had destroyed without reading "letters addressed by various persons to the rebels," some "of which he was informed were of a treasonable nature," it was doubtless impossible for Grey to discuss their contents. Yet when Williams, virulently assailed as one of the alleged writers, demanded investigation, it would have been honourable to gratify him. But Grey determined to owe success not to the missionaries but to himself. He allowed the rumours to spread, and insinuations were broadly and bitterly made against Williams as a traitor. Fortunately the latter had preserved a copy of a letter written at the request of Fitzroy before Grey's arrival. It recommended Kawiti to make peace. The old chief replied: "If peace be made it must be made with respect to the land also;" and a part of his letter was addressed to Fitzroy himself; who answered: "Mr. Williams, I can plainly see, has been giving you good advice; you have done well to hearken to him, and I trust your future conduct will show that you are really sincere and desirous of peace."

Such were the materials out of which it had been sought to stain the character of the missionary; and, without overtly supporting the charge itself, Governor Grey seemed to give countenance to it by disparaging the object of the slander, with

whom, on the subject of land purchases, he had long and not laudable contention. In a letter written by Williams as early as January, 1846, he said: "My opinion was asked perpetually; now it is being rejected as that of a 'traitor,' 'unsafe,' 'false' . . . Our ears are saluted frequently with expressions truly savage as to how these people ought to be served—to be 'poisoned,' to be 'flayed alive,' to be 'shot like dogs.'" The Bishop in a letter to Williams in April, 1846, marked one result of such language. After a visitation among the tribes he found that "a general sympathy with Heke seems to be a feeling overruling all intestine animosities of old times." The Governor was possessed of similar information, and, having asserted superiority in arms, prudently abstained from exciting further suspicion by re-erecting the symbolic flagstaff, which, with Lord Howick's aid, had enabled Heke to arouse a quasi-national feeling among the disaffected. Grey did better by demanding personal adhesion of chiefs, formerly neutral, than by flaunting in the eyes of all a standard which had seemed to invite revolt. The flagstaff was not set up again during the first government of Sir George Grey nor during the lives of Kawiti and Heke. In 1857, a son of Kawiti, who had succeeded to his father's honours and was a Christian, resolved to commemorate his chieftainship by a public act of reconciliation. Four hundred men were chosen from the tribes who warred against the Queen in 1845. A large spar was procured from the forest and dragged to the site of the old staff on the hill, which commands a view of the many beauties of the in-reaching waters of the Bay of Islands. With Maori significance the new staff was named "Whakakotahitanga," "being in union" and has borne its banner from January, 1858, until the present day.

With brutal ill-usage of the Maori the new Governor had no sympathy. Having secured peace in the warlike north he turned his attention to Wellington. But the difficulty of legislating for settlements so divided as those in New Zealand induced him to recommend the appointment of a Lieutenant-Governor. To enable him in the mean time to secure legislative councillors from other parts of the islands the three non-official members resigned office voluntarily. Early in February he was

at Wellington with ships of war and soldiers. It was known that he had in person accompanied the troops at Ruapekapeka, and the Maoris saw in him "the fighting chief" of the Queen of England. Headed by Mr. Clifford the colonists presented him a laudatory address. His success in the field atoned with them for his fidelity to the treaty of Waitangi. From the valley of the Hutt, Taringa-kuri, principal chief of the intrusive Maoris, went to make terms as to the evacuation of the valley. Grey would make no terms until the intruders had vacated the lands. Afterwards he would receive a deputation to consider any application for compensation for unexhausted improvements, a question which a quarter of a century later was to agitate the parliamentary wisdom of England. In a week the fighting intruders had left the valley, and Grey wrote that he hoped the dispute might be adjusted without bloodshed.

A serious correspondence had been commenced in January by Rauparaha and others. With seven chiefs of his tribe the Ngatitoa, three of the Ngatiawa (of whom Wiremu Kingi Te Rangitake was one), and the same number of the Ngatiraukawa, Rauparaha applied to Grey to provide some friendly adviser, acquainted with English and Maori laws and customs, who would explain them to the natives. They were anxious to maintain the laws of the Queen; they already had ministers teaching them the laws of God. Hitherto "their friend and guide, Mr. Hadfield," had calmed their apprehensions when white men said their land would be taken from them. They were now anxious to hear from the Governor what his intentions were. Grey warmly commended their letter. The Queen had directed him to do all in his power to ensure their safety and happiness. "Maoris and Europeans shall be equally protected and live under equal laws; both of them are alike subjects of the Queen and entitled to her favour and care; the Maoris shall be protected in all their properties and possessions, and no one shall be allowed to take anything from them or to injure them; nor will I allow Maoris to injure one another; an end must be put to deeds of violence and blood." He invited them to write to him when they were in difficulty, and to send a deputation to Wellington to discuss points which a letter could not deal with.

The bold assertion of authority as between Maori and Maori,

now broadly declared for the first time by a man successful in war, was not repudiated. Shortland, at Tauranga, was unable to make such a declaration, and Te Mutu had openly breathed contempt at any such interference. Rauparaha now accepted it gladly. "We have heard your words like the light of day to us; our hearts are glad. Friend, now will I hold fast your words for good, and for living in quiet, both of natives and Europeans. Your protecting word has come forth for one and for the other; your kind words are a light to us. Now for the first time I can say that light has dawned for the Maoris; and now no wrong-doing shall spring from me,—I mean the errors of the natives. If you cannot come hither will you write to me?—TE RAUPARAHA." Rangitake and the Ngatiawa chiefs wrote similarly. "We have decided that the natives of the faith should hearken fully to the laws of the Queen. . . . It is for your good customs to beat down our evil customs, with the help of God, that the work left for us may be the growth of provisions for the life of the body and the faith of Christ for the life of the soul. . . ."

Grey made arrangements for the protection of the districts near Wellington, Porirua, and the Hutt, by five hundred soldiers and by militia and police. He communicated his plans to the Secretary of State on the 22nd April. Friendly natives at Porirua offered help. But all was not quiet. In March, on the assurances of Rauparaha and Rangihæata that the hostile Maoris had quitted the Hutt, Grey visited the district and found the country abandoned. The recent camp was approached by a difficult and narrow path, flanked on each side by precipices overgrown with jungle. It was almost inaccessible, and Grey described it as the strongest position he had seen in any part of the world. Early in April a marauding band stole past the troops and killed an old man and a boy. Rauparaha wrote to Grey to deplore the event, imputing it to strange Maoris from Wanganui. He offered help, and Grey was convinced of his sincerity. But Rangihæata betook himself to fastnesses in the forest.

In the end of April Grey returned to Auckland and found the north in peace. The chiefs were anxious for visits from him, "waiting to feel the warmth of the sun." He addressed himself to fiscal questions, which were in an anomalous con-

dition. To tax the European population of 12,000 souls and leave the Maoris untaxed, who were ten times as numerous, was neither just nor likely to produce good results; yet to tax all the Maoris was absurd, for large numbers of them dwelt far from control, asking nothing and receiving nothing from the Government. Grey determined to rely on local Customs duties and a parliamentary grant. The amount of the latter he could not estimate at less than £36,000, but the increasing yield from the Custom House gave hope of early diminution of the grant. Besides a local expenditure of £58,000, of which only £22,000 were locally met, there was need of military aid. He required 2500 troops of the line, not to make war, but, by presence of a commanding force, to ensure peace. He was endeavouring to establish friendly relations with all. On the 19th May, 1846, the old warrior, Kawiti, visited him on board H.M.S. 'Driver' at Kororarika, in the presence of other chiefs. "Nothing (Grey wrote) could have been more proper and becoming than the old chief's manner and the mode in which he expressed himself."

The Governor's applications were not to be considered by Lord Stanley. On free-trade and protection Sir Robert Peel and Lord Stanley had voted together, but on different grounds. The latter saw in protection of the agricultural interest a principle essential to national prosperity. Sir Robert Peel had, in 1844, declared that "in a new state of society, and abstractedly speaking, there should be no protection for native interests; but that in a country like England, with complicated relations and large vested interests, it would be dangerous to apply principles even abstractedly right, and incur the risk of great disturbance of capital and great injury to those engaged in existing arrangements." To his mind the famine of 1845 seemed to remove the conditional arguments in favour of the qualified protection he had supported. Lord Stanley did not so read his duty, and retired. Sir Robert Peel tendered the resignation of the Ministry, and Lord John Russell was sent for by the Queen in December, 1845. Lord John Russell was anxious for office, if he could extort from Sir Robert Peel an undertaking to support him while there. Lord Grey, the old enemy of Gibbon Wakefield, frustrated the schemes of his party by refusing to join a Ministry in which Lord Palmerston was to be Foreign Secretary.

Sir Robert Peel, loyal to his Queen, sacrificed himself by resuming office; carried, in May, 1846, his Corn Importation Bill; and fell in June before a combination of Whigs, Protectionists, and disappointed followers, declining even in his last official speech to "condescend to bandy personalities" with the most envenomed among them, whose artificial patriotism and consummate acting he was never at fault in valuing. Mr. Buller had the satisfaction of speaking in the majority which drove the great Minister from office on the question of a Bill for the Protection of Life in Ireland. The rancour of the New Zealand Company's partisans was yoked with the simulated fervour of some, and the honest but indignant sensibilities of other, members of the House. The vulgar untruth that the voice and not the conscience of the people confesses the commands of God was rebuked by the conduct of the House. No cheers saluted the announcement of the division. The shout of victory so often heard in St. Stephen's was not raised. The result was received in silence, which seemed to own that an unworthy act was being done, and that the nobler prey was being torn down by meaner creatures. As on former occasions, Lord John Russell speedily proved that the Bill on which Sir Robert Peel was expelled was not one which the Whigs would deal with conformably with any allegations on which Sir Robert Peel's expulsion was demanded. But the generous Peel heaped coals of fire on the heads of his enemies by supporting the Irish measures they were compelled to pass.

Lord Grey took the seals of the Colonial Office in July, 1846, and it devolved upon him to deal with Governor Grey's despatches. The interval between Lord Stanley's retirement and Lord Grey's appointment had been filled by Mr. Gladstone, who pursued the policy of his predecessor. A part of the request for soldiers was granted. Lord Grey instructed his namesake that a corps of Royal New Zealand Fencibles (500 in number) would be sent from England, and that 900 men from the regiments serving in Australia would be detached to New Zealand. It was added, without apparent shame, that as it was impossible permanently to keep so many as 2000 men of the regular army in New Zealand without great inconvenience,

“a force composed of natives in the service of Her Majesty” should be formed. Secretaries of State for the Colonies were a moveable corps in 1846. In June the Governor wrote to Mr. Gladstone, pointing out the multifarious and onerous duties cast upon him, and asking for large and liberal allowance for any errors he might appear to commit. But Grey, not Gladstone, replied; and, happily for the Governor, announced that the Russell Ministry entirely approved all the proceedings in New Zealand. As Lord Grey (then Lord Howick) had in debates on Mr. Buller’s motion objected to Governor Grey’s appointment, the latter must have felt a sense of unexpected relief when from his previous detractor he received unqualified praise.

Meantime, in May, 1846, there were troubles in the Hutt district. Armed Maoris came down like wolves before daylight and attacked a military post of fifty soldiers of the 58th Regiment stationed at a farm. Six men were killed, and four wounded. Though alarm was quickly given, the picquet was overpowered in an instant, and the Maoris were only driven back after much firing. They danced their war-dance, and continued firing from the woods until reinforcements, under Major Last of the 99th Regiment, drove back and silenced them. There were rumours of an attack on Wellington, and Major Richmond, the Superintendent, made preparations for its defence, in which he received advice and assistance from the friendly chief E Puni. Under Captain Russell, of the 58th Regiment, relatives and slaves of Rauparaha distinguished themselves in cutting roads. “As workmen they have more than equalled the Europeans,” was the report furnished to the Governor. But Major Last in June reported that Rangihæata was occupying a fortified position, and that he was “a little suspicious” of Rauparaha. That chief, however, offered to visit Last in Wellington; but this the latter thought unadvisable, the feeling among the whites being there so hostile to the man of the Wairau. In June there was another skirmish on the Hutt. In July Grey was at Wellington, and Rauparaha, whose thoughts it was proverbially difficult to sound, was to be mastered by boldness and treachery. Rangihæata’s pah was reconnoitred. It was found easy to invest, but not with



such suddenness as to prevent escape; and Grey distrusted Rauparaha, fearing lest he might attack the English in rear while they were engaged with Rangihaeata in front. Rangihaeata had "tapu"-ed, or made sacred, a road, and two Maoris, driving pigs for European use, were prevented from using it. Grey sent positive orders that the travellers with their charge should be passed on. Rauparaha visited Grey on board H.M.S. 'Driver,' and gave assurances which some persons deemed untrustworthy. An intercepted letter from a companion of Rangihaeata mentioned that Rauparaha had consented that certain Maoris should visit Rangihaeata in peace. Grey showed the letter to Rauparaha, who said that the writer told falsehoods. "I watched him narrowly at the time, and his manner was such as to lead me to think that he really had no knowledge that such a letter had been written." Yet Grey, though he could not convict, still doubted about Rauparaha.

Friendly chiefs at Waikanae thirsted for strife with their countrymen, and asked for arms. Grey shrunk from a movement against Rangihaeata until he could obtain forces which would render it impossible for Rauparaha, if treacherous, to fall upon the rear. He determined to proceed up the coast, from Wellington, to "stop or destroy" the Maoris moving down to join Rangihaeata. If his suspicions of Rauparaha should be confirmed, he would attempt to seize Rauparaha and other Ngatitoa chiefs so suddenly that Rangihaeata could make no obstruction, and could then be advantageously attacked. On the coast Grey found no proof of Rauparaha's bad faith; but the "tapu," established by Rangihaeata and respected by Rauparaha's followers, was represented as producing great effect throughout the country in exalting the influence of Rangihaeata. Grey returned to Porirua and sent an armed party of about 150 men on shore before daylight. Rauparaha and others were surprised in sleep, and seized on the 23rd July.<sup>1</sup> He remonstrated against the indignity shown by imprisoning him with Pahi, an inferior captive, and Pahi was released. When accused by the officers of treachery in inviting disaffected

<sup>1</sup> One of the capturing band was McKillop, then mate in H.M.S. 'Calliope,' afterwards McKillop Pasha, an Admiral in the service of the Khedive of Egypt.

natives to the coast, the old chief, like Themistocles, said his object was to lead them into a trap in order that he might aid the English to destroy them. "This statement of his own," Grey said, "sufficiently illustrates his character." But Grey was, by his own admission, acting falsely, and he was in no position to cast stones at the man with whom he consulted, and by whom he was treated as a friend up to the moment of his stealthy seizure. Other Englishmen had behaved honourably to Rauparaha, and therefore he trusted Grey. When Spain visited him after the Wairau massacre, Rauparaha had said: "I hope you will at all events act as a gentleman;" and explained that if the seizure of himself and Rangihæata were desired, notice must be sent beforehand. Spain then, and Fitzroy subsequently, was in Rauparaha's power, and Maori honour was superior to the temptations to which Grey yielded. The taunt that deception was implied in Rauparaha's excuse as rendered by the hearsay evidence of the officers, was a sorry defence for the treachery of Grey.

Rangihæata, on hearing of the seizure, dashed to the neighbourhood to aid his chief. To avoid the English at Porirua he had to make a circuit, and had it been otherwise he would have been too late. From the wooded heights he overlooked the rifled dwelling of his friend; but he could do no more. This fighting warrior, to whom Rauparaha had been the eye of counsel, was denounced by several witnesses before the Select Committee of the House of Commons, in 1844, as a brutal savage addicted to drunkenness. Yet he had qualities which in all ages have been admired. Rauparaha was now seventy-seven years old. Rangihæata was sixty. They had never been parted before. Rauparaha was a prisoner in H.M.S. 'Calliope.' The uncaged warrior composed a lament, which eventually found its way to Parliamentary Blue Books. Rauparaha was compared to "a brave canoe" shattered by the surge of war, "all crushed on yonder war-ship's deck."

Raha! my chief, my friend,  
Thy lonely journey wend;  
Stand with thy wrongs before the God of battle's face;  
Bid him thy foes requite.  
Ah me! Te Raukwa's foul desertion and disgrace.  
Ah me! The English ruler's might.

Rauparaha's trustfulness in the Pakeha was bewailed. Rangihaeata had entreated him to break up his forces at Porirua, and spread them in marauding bands about the country.

But Porirua's forest dense,  
Ah! thou wouldst never stir from thence;  
Now, now, of such design ill-starred  
How grievously thou reap'st the full reward.

Then bursting into fury the poet-warrior exclaimed :

Hence vain lamentings! hence away!  
Hence all the brood of sorrow born!  
There will be time enough to mourn  
In the long days of summer, ere the food  
Is cropped abundant for the work of blood.  
Now I must marshal in compact array  
Great thoughts that crowding come of an avenging day.

The tactics he had recommended he pursued. He vacated his pah near the coast and took to guerilla warfare. But he also endeavoured to stir up national indignation. He wrote to the Waikato chiefs whose demonstration at Remuera had impressed the whites with a sense of their power. "To all the tribes," he said: "Friends and children, come and revenge the injuries of Te Rauparaha, because Te Rauparaha is the eye of the faith of all men. Make haste hither in the days of December." The northern chiefs refused to obey his call. They told him that to attempt to exterminate the Europeans was foolish. "How could you dry up the sea? That is why we say finish fighting with the Europeans." They were Christians, and advised that Rauparaha and Rangihaeata should turn to the Gospel. The few who wrote spoke in the names of others, and, not knowing where Rangihaeata might be, they addressed him as "perhaps at Wanganui." Such an answer might well appal even the '*atrocem animum Catonis*'; and the campaign was not only against foreigners, ignorant of the forests and passes. Te Rangitake was true to his engagements with the Pakehas, and guided their military movements. Colonel Last of the 99th regiment spoke of the great service rendered by the "native allies," and by a published order in August, 1846, when Rangihaeata had been driven to his secret lair, thanks were rendered to the "numerous native chiefs who had so nobly come forward." The elements seemed to war against

the cause of Rangihaeata. The recent death of Te Heu Heu, the great chief of Taupo, who, it will be remembered, sympathized with Heke and Kawiti, seemed to imply that heaven and earth were against the cause of the Maori.

Tribal had been embittered by religious feuds, and an invasion by 140 of Te Heu Heu's heathen allies, the Patutokuku, laid waste the territory of the Christians at Waitotara. The latter fled, returned with help, besieged the invaders, broke faith with the besieged, whom starvation and want of ammunition compelled to capitulate, and of whom but few escaped the treacherous slaughter which ensued. Te Heu Heu also, in May, 1846, came to an untimely end. His village, Te Rapa, stood near the Taupo lake, frowned upon by the Ruapehu and Tongariro mountains, in the region where hot springs, bursting from below, and the wreaths from the summit of Tongariro, still betoken the fires which are labouring under the crust of the earth. At night the hill overhanging the village gave way and overwhelmed Te Heu Heu and all but one of those who were with him. But Rangihaeata, though almost alone, refused to succumb. He would not trust himself to his pah Pahautanui. Grey would have pounced upon him there, had not Rangihaeata, before the allied Maoris could cut off his retreat, abandoned Pahautanui and betaken himself to the dense forest of Horokiwi. Hunting down a solitary chief was an ignoble occupation, and Grey returned to Auckland, reporting that the natives almost to a man on the Porirua coast, had risen on the side of the Government against Rangihaeata. Soldiers, settlers, militia, and Maoris were all entitled to the highest praise for their alacrity. But there was a bitter taste in the cup which he had prepared for himself. On the 1st December, 1846, he laboured to justify to the Colonial Office the stealthy seizure of Rauparaha. The justification itself required to be justified, and imputed what it was impossible to prove. It dealt shafts of incrimination recklessly around.

"A number of designing Europeans, who are annoyed at my interfering with their illegal purchases of land, have thought it proper to agitate the question of the justice and propriety of my arresting Rauparaha. Some most improper publications . . . have already appeared, and I regret to state that I find

a great effect is being produced upon the mind of the native chiefs.<sup>1</sup> . . . The difficulty of my position is that I am not yet quite satisfied whether or not it will be necessary or expedient to bring the old man to trial. In fact, I am rather anxious to avoid doing so, and I fear that if I were to make public the various crimes for which he has been seized by the Government, and the proofs of his guilt upon which the Government justify his detention, that a large portion of the European population would be so exasperated against him that it would be difficult for the Government to avoid bringing him to trial; and if I were compelled to adopt this step from having made known the charges against him, I should probably be accused of having ungenerously prejudiced the public against him previously to his being brought to trial."

The despatch by no means conveyed a full view of the case. Far from concealing any crimes for which Rauparaha had been seized, the Governor was diligently endeavouring to discover grounds of accusation. Nothing which he could have discovered could have augmented the hatred conceived against Rauparaha as the slayer of Captain Wakefield at the Wairau. The despatch might blind Earl Grey, but could have deceived no one in New Zealand. It enumerated the grounds on which Rauparaha was arrested. Suspected collusion with Rangihaeata, and apprehension that if any movement were made against the latter, "Rauparaha would fall upon our rear, in which case, from the difficult nature of the country and from our total ignorance of it, serious loss, possibly a repulse, might have been sustained, for it must always be borne in mind that the enemy are better armed and better clothed for bush fighting than our own men." (This was only true as to the clothing, but might mislead Earl Grey.) It seemed that the Maori proverb that it was "hard to dive into the thoughts of Rauparaha" was true during his captivity. The Governor complained that no proof could be brought home to him. His "messengers were heard by several

<sup>1</sup> *Raro antecedentem*, &c. Long years afterwards (1879) when Sir George Grey was Premier, and it was important to make satisfactory terms with Tawhiao, the Maori king, his overtures were rejected, and amongst the alleged stumbling-blocks the seizure of Rauparaha was urged as a reason why Sir George Grey could not be trusted.

witnesses on two occasions to deliver certain messages, . . . a link in the evidence is yet wanting which would prove that Rauparaha directed these messengers to deliver these messages." Another grief oppressed the Governor with regard to Pahi, captured with Rauparaha and quickly released. "Ultimately, as there was no charge against Pahi, he was (as it turns out now very unfortunately) released." He was suspected of being a messenger. It was the custom of Maoris to confess the facts even when they were arrested for murder, and seven Wanganui prisoners (five of whom were transported to Hobart Town) were plied with questions about Rauparaha; but the Governor lamented that even in such a manner no evidence could be procured to inculcate the imprisoned chief. How blind men may become when they attempt to deceive others is shown by the fact, that it does not seem to have occurred to the despatch writer that reluctance to exasperate the settlers by making known the "crimes" for which Rauparaha was seized was totally incompatible with the sedulous efforts vainly made to procure any evidence. It would have been better to have put forward at once the immoral plea of necessity to escape calamity by any means, however treacherous. When asked in after years if there was other apology for Rauparaha's seizure, Sir G. Grey replied: "At the time I had no doubt, and I have now no reason to doubt, that Rauparaha was the real author of the letter alluded to, which might, unless prompt steps were taken, have involved the future fate of the colony and of the European population here. . . . One curious circumstance . . . he earnestly begged the officer who took him to let one of (the prisoners) go to take a message to prevent blood being shed in an attempt for his immediate rescue. The man was allowed to go at his request (and was afterwards supposed to know important secrets). It was at least a curious coincidence that he was so anxious that this man should be set free, for there were several others with him regarding whom he seemed quite careless." The later explanation adds little to the statements in the despatch. It may be well to show what Rauparaha's son<sup>1</sup> said on the subject: "Rauparaha was taken prisoner by

<sup>1</sup> 'Transactions of New Zealand Institute,' vol. v. 1872. The 'Life and Times of Te Rauparaha,' by W. T. L. Travers, F.L.S.

Governor Grey without sufficient pretext. A letter was written. It was said that Mamaku and Rangihaeata wrote the letter and signed the name of Rauparaha to give it force. I was at school at this time with Bishop Selwyn. . . . When I returned and arrived in Wellington I went on board the 'Calliope,' the man-of-war in which my father was a prisoner. When I saw him we wept together, . . . he said to me, 'Son, go to your tribes and tell them to remain in peace. Do not pay for my seizure with evil, only with that which is good. You must love the Europeans. There was no just cause for my having been arrested by Governor Grey. I have not murdered any Europeans, but I was arrested through the lies of the people. If I had been taken prisoner in battle it would have been well, but I was unjustly taken.' . . . I returned on shore . . . and saw (the men of) Ngatitoa and Rawhiri Puaha (the chief who strove to prevent the Wairau massacre). We told them the words of Rauparaha respecting that which is good, and living in peace. Two hundred of the Ngatiraukawa came to Otaki. . . . Rangihaeata wished to destroy Wellington and kill the Pakehas as a satisfaction. I told them the words of Rauparaha . . . that they must put away foolish thoughts, . . . live in peace, and cast away bad desires. They consented. . . . When Rauparaha was liberated he urged Ngatiraukawa to build a large church in Hadfield Town at Otaki. Had he not returned the church would not have been built. He had a great desire to worship the great God. He was continually worshipping till he died on the 27th Nov. 1849."

Whatever plea could be urged for treachery towards Rauparaha none could be maintained for the killing in cold blood of Wareaitu, concerning which, and as if to wipe it out of remembrance, little allusion can be found in official documents. Eight prisoners were captured near Parepare in August, 1846, and were handed over to the English while Te Rangitake with his men was busily engaged in the field. One of them, Wareaitu (called Martin Luther by the English), was tried by a court-martial for being in arms against the Queen, and joining the rebels under Rangihaeata of whom he was a blood relation. When the sentence was explained to him, he said he was not afraid of death, but sorry that he had not been



killed when captured, instead of being reserved for a shameful death. The deed to be done was so revolting that it was with difficulty that for a purse of gold a hangman could be found among the soldiers. It is recorded that the victim was attended by a clergyman, and died with good words on his lips. His demeanour perhaps assisted to burn into the conscience of the colonists a sense of the barbarity of his taking off. Mr. Crawford, the sheriff at Wellington, would seem to have recoiled from the lawless invasion of the functions of his office. In a book published nearly forty years afterwards he wrote: "During the march to Pahautanui a Maori was taken prisoner, and was some months afterwards tried by court-martial and hanged. I cannot help thinking that this was a blunder."<sup>1</sup> That which shocked the soldiery could not but be felt as a wrong done to their Maori allies. Te Rangitake, who had so recently been the saviour of Wellington, declared that he had fulfilled his promises and had done enough. Unwilling to lose his help, the Captain of H.M.S. 'Calliope' offered to fortify and guard the chief's pah if he "would take the field, but the latter declined the offer." The soldier-hangman was shrunk from by his comrades, and when, after more than a year, he was drowned in shallow water, men muttered that his share in the killing of Wareaitu had clung to him like a curse. The Christian Maoris granted a site for a college near the place of Wareaitu's murder, and declared in the deed that their object was "that the Maori and the English might grow up as one people."

It would be difficult to find an excuse for the Governor's complicity in the lawless act by which Wareaitu was done to death on the 17th September, 1846. The Governor strove to palliate it on the 23rd October. He thought the prisoner wantonly joined Rangihæata to commit murders: that he was present "at murders," and was "captured close to Rangihæata's pah, the resort of the murderers when it was attacked; and as they were persons of consequence it appeared for many reasons desirable that they should be tried and summarily punished." First, it was proper to satisfy the minds

<sup>1</sup> 'New Zealand and Australian Recollections of Travel,' J. C. Crawford. London, 1880.

of Europeans. Second, that "natives should see that we distinguished between open and honourable warfare and the dreadful murder of old men and boys committed by Rangihaeata and his followers." Third, it was "almost certain that the native witnesses who could alone be brought forward against this prisoner would never have been induced to go to the town of Wellington; and there was also too much reason to apprehend, that if time had been afforded to the prisoner's relatives to intimidate the native witnesses by threats they might have been prevented from giving any evidence against him. Upon the whole the urgency of the case appeared to justify me in recommending the officer commanding the troops to direct the prisoner to be proceeded against according to the forms of martial law."<sup>1</sup> The prisoner was found guilty of a portion of the charges against him. As he admitted joining Rangihaeata it was not difficult to secure conviction, but no charge of murder was made.

The crooked ways in which Wareaitu's death was brought about were applied to other Maoris. On the 12th October, 1846, five were tried by a court-martial at Porirua on charges of rebellion, aiding Rangihaeata, and "unlawfully having a fire-lock." They were sentenced to transportation for life, and sent to Van Diemen's Land, where fortunately the upright Mr. Latrobe then administered the Government. The despatch which accompanied them was sinister enough to rouse the suspicion of a sensitive mind. Governor Grey coolly wrote: "A great advantage would result to this country if these men were from time to time really kept to hard labour, and if they could be allowed to correspond with their friends, their letters passing

<sup>1</sup> Dr. Thomson (in his excellent 'Story of New Zealand') wrote: "Luther's death is a disgrace to Governor Grey's administration, and he probably thought so himself, as there is no published despatch on the subject." I have been more fortunate in finding the despatch than Dr. Thomson, who (as surgeon of the 58th Regiment serving in New Zealand) knew the facts. The disingenuous nature of the despatch is shown by the fact that it dwells on Luther's complicity in "murders," whereas the court-martial tried him for attacking the Queen's troops, being in arms against the Queen, and joining the rebels under Rangihaeata, the last of which charges he frankly admitted to the Court. "Justice (wrote Dr. Thomson) repudiates the name of rebels applied to the prisoners."

through the Government of New Zealand. In this manner many of the turbulent chiefs would ascertain that the Government really intended to punish severely all those who connected themselves with murderers and robbers, and would find from the letters of their friends in Van Diemen's Land what the nature of the punishment of transportation really is." Mr. Latrobe recoiled from being the instrument to inflict in Van Diemen's Land a wrong which Governor Grey dared not for shame's sake to wreak in New Zealand. He promptly (30th November) pointed out to the Secretary of State that he could not think of herding such prisoners with ordinary convicts at Norfolk Island, but would detain them temporarily at the Penitentiary until he could receive instructions. The objections he put forward were deemed fatal. In 1847 it was decided that the prisoners could not lawfully be detained under the sentence, and they were released.

It is probable that some remorse for the killing of Wareaitu and the illegal transportation of his friends induced the Governor to perform soon afterwards an act which might be construed into generosity. Yielding to the requests of Te Whero Whero and Waka Nene he set Rauparaha at liberty. So long as Rauparaha was on parole at Auckland it was difficult to convince Rangihæata that his kinsman was safe from the hangmen of Wareaitu, and he sullenly refused to trust in anything but Rauparaha's free release. When it took place Colonel Wakefield vented his exasperation at the lenient treatment extended. Rauparaha's escape from trial after the massacre at Wairau; the failure of the company to make good its false claims there; the subsequent purchase of the land by the Government which thus confessed the impropriety of the company's claim; and the pardon of "Rangihæata and his savage band," were deplored by Wakefield as likely to "make the future historian hopeless of a solution in tracing the circumstances." Even when shortly before Rauparaha's death that chief joined others in a loyal address to the Queen, Colonel Wakefield derived no comfort from the thought that the final treatment of Rauparaha was more honourable to England than the fate of Wareaitu.

## CHAPTER VIII.

## THE WAR OF 1846.

THERE could be but one end of such strife as that which was waged in 1846. Yet Rangihæata made a stand on a wooded mountain spur, and there was loss of English life. Te Rangitake wrote to Grey that he had captured three women and a child, and would deal with the prisoners as Grey might direct. He would not entrust them to English care. He did not intend to follow Rangihæata further.<sup>1</sup> Grey replied from Auckland that they must be well treated, furnished with food for their journey, and told to warn their husbands not to be so foolish as to get into difficulties with the English. It is needless to narrate the warfare in detail. Bitterly lamenting that he had been hunted by men of the Ngatitoa tribe of which Rauparaha was chief, and by the Ngatiawa under Te Rangitake and others, Rangihæata withdrew whither it was thought useless to follow. Chased at the Pouaha mountain by 1000 men, he successfully drew off his band of 200. Captain Russell of the 58th, who afterwards superintended the formation of a military road at the spot, recorded his admiration of Rangihæata's genius for war in conducting his band along the narrow mountain crest, and sullenly skirmishing as he withdrew to his innermost fastnesses.

Proclamations of martial law were amongst the weapons wielded by Grey, and they were not infrequent. (In October, 1847, he passed an Indemnity Ordinance for all acts done

<sup>1</sup> Parliamentary Papers, 1847, vol. xxxviii. p. 58. "The white people said, 'Put them on board the ship,' but I replied to the captain of the ship of war, 'No; leave them in our care. We will wait for the Governor's return.' Then they said, 'They will return to Rangihæata.' But, hark you, we shall retain them till you or your word shall arrive."

under them.) They did not deter Rangihaeata from a daring exploit. He was thought to be concealed amongst the forests. On the 18th April, 1847, a settler at Kapiti, one Brown, waked to see the tall form of the old chief standing over him with a tomahawk. Thirty or forty armed Maoris surrounded the house. Brown deposed that Rangihaeata said he had come to rob and to slay. "I told him he might as well kill me in bed at once. He bade me get up and dress myself. He said he had heard I had a great quantity of powder, and had come to take it away. . . . On going away he shook hands with me. I upbraided him and his party for plundering me. They replied that they were poor and wanted the things; that they had no animosity towards me, but wanted powder." Rangihaeata had arrived, and he departed, in a war-canoe. The authorities thought that the professedly friendly Maoris had connived with him. The fifty pounds of gunpowder he had obtained constituted a terrible danger. The ammunition of the Maoris was often broken nails, and pebbles, and yet by close approach they made it effective, although they were not good marksmen.

When Grey, going to the scene of action in May, arrived at Wellington, he found a messenger from Rangihaeata with a parcel containing bank-notes, sovereigns, and other valuables. Rangihaeata, finding that some of his men had taken these things, returned them to Grey lest he should be esteemed a common thief, "whereas his only object was to obtain from the owner of the house, gunpowder which he had left in his care, and which had never been returned to him."

A few days before Rangihaeata appeared at Kapiti, a new cause of war arose at Wanganui, where the execution of Wareaitu must have left a rankling feeling amongst many Maoris. A midshipman of H.M.S. 'Calliope' promised something to a chief for service rendered. There was a dispute about the price on the 16th April. The midshipman, pretending to be angry, threatened the chief with a pistol. Accidentally, it was said, the pistol was discharged, and the bullet wounded the Maori's head. The military, without holding an inquiry to satisfy the natives, sheltered the midshipman in a stockade, and thus confirmed the suspicion of the Maoris that the shot was intentional. The

head of a chief being highly sacred, serious consequences might be apprehended ; but the barbarous murders which ensued were unexpected. Six lads determined to take revenge for their insulted chief.<sup>1</sup> Not one of them was twenty years old ; one was only twelve. On the 18th April, the day on which Rangihaeata surprised Brown at Kapiti, they savagely murdered Mrs. Gilfillan and four children. When they went to the house Mr. Gilfillan strove to prevent their entrance. He was wounded with a tomahawk, but escaped into the house by a back-door which he fastened. The youthful murderers began to force an entrance. Mrs. Gilfillan heroically urged her husband to go. Only his life, she said, could be thirsted for. Escaping by a small window overshadowed by an eave, he crawled away. When the Maoris broke into the house they butchered Mrs. Gilfillan, two boys and a girl, and wounded a fourth child. The brave Mrs. Gilfillan at first hid her children, and afterwards told a boy eight years old to jump out of the window. He did

<sup>1</sup> The narrative in the text will be found in 'New Zealand and its Inhabitants,' by Rev. R. Taylor. That author ascribes the murder of the Gilfillans to the necessity under Maori law of exacting blood for blood. Others have declared that the wound of the chief was an insufficient pretext. It would perhaps be presumptuous to assert that the Wanganui war was caused altogether by the wound carelessly inflicted on the chief by the midshipman. But such was the belief amongst those who knew the Maoris. Mr. Fox declared: "The pretext for it by the natives was an accidental discharge of a pistol in the hands of a midshipman, by which a chief was wounded in the cheek. Five young men of the tribe 'took payment' for the injury to their chief by barbarously murdering the family of Gilfillan. . . ." (The 'War in New Zealand.' London, 1866.) Captain Laye, not so keenly alive as Mr. Fox to the horror of Maoris at the desecration of the sacred head of a chief, did not connect the murders with the shot. He did not report the latter until he had to tell of the former ; and then passed over the occurrence as one which on his explanation was satisfactorily set aside as unimportant by the natives (P. P. 1848. Vol. xliii. p. 56), who "at first sight were rather excited." Sir George Grey in a despatch (July, 1847) describes the murders as committed by the Maoris "in accordance with their custom of revenge" (P. P. 1848. Vol. xliii. p. 60). In 1880 men knew the truth better than in 1847, or were less unwilling to admit it. Fox (then Sir William) and Sir F. Dillon Bell in a report (West Coast Commission) in 1880, said the cause of war was the accidental shooting of a "great chief through the cheek. By native custom this was an indignity to be wiped out by blood." Singularly enough the West Coast Commissioners allowed their report to describe the affair as having occurred in 1845 (N. Z. P., 1880, G. 2).

so and escaped to a swamp. She put a girl six years old out of the window, and the little creature ran after her brother. When the child was questioned at the inquest she told how, when she was "running after Johnny," the Maoris were sitting together, "and one of them knocked her down with a stick, and hurt her very much." Though the outrage might have sprung from the savage demand of blood for blood—the *utu* of the Maori—knowing no satisfaction by *weregild*, all the Maoris did not approve it. The chiefs of Putiki at once tendered their services. John Williams (Hipango), a Christian chief, with five others, started up the river in a canoe, learned on their way from other Maoris who the murderers were, captured five of them on the following day, and handed them over to the soldiers, having paddled sixty miles (without stopping for refreshment) in twenty-four hours. A coroner's inquest found the culprits guilty of wilful murder. When Governor Grey heard of the murders he wrote to Captain Laye, directing him "unless some extraordinary necessity had arisen" to retain the prisoners until they could be handed over to the civil authorities. But they could not be sent 120 miles overland to Wellington without passing through the heart of Rangihaeata's country, which would have required a large escort. Though they might have been sent by sea Captain Laye, without waiting for instructions, considered the necessity extraordinary, assembled a court-martial on the 23rd April, and tried the prisoners on four charges: killing, wounding, stealing, and being in possession of stolen goods. The prisoners all pleaded guilty, but evidence was taken. All were found guilty, and all but Narikuri were sentenced to death. His "extreme youth" caused his sentence to be transportation for life. The four others were hanged on the 26th April. They were related to some of the leading Wanganui chiefs, whom their execution irritated. On the 19th May an attack was made on Wanganui. Captain Laye, with 170 soldiers, repulsed it, with loss to the Maoris of their commander and a few others. Governor Grey himself reached Wanganui with more troops immediately after the repulse of the Maoris by Captain Laye. He was accompanied by Waka Nene and by Te Whero Whero, who lamented that he had no warriors with him to assist the English.



Grey wrote: "Nothing was left for him to do, he said, to show his regard for the Government but to go alone and die if necessary in assisting it; and with this view, and without a single follower, the old chief accompanied to Wanganui the natives of the Ngatiawa tribe, who had hitherto throughout his life been his most inveterate foes. Not only did these natives accompany me to Wanganui for the purpose of co-operating with Her Majesty's forces, but I am sure that every officer who was there will bear me out in saying that we could not have dispensed with their services, and that nothing could have surpassed their activity and gallantry."

The fighting near Wanganui was desultory, though on one occasion as many as 400 were engaged on each side. The Maoris endeavoured to entice the English to pursue them towards ambuscades, but the allied natives foiled their tactics. Towards the end of 1847 Grey was able to say that he regarded the disturbances as terminated. The active aid afforded by Waka Nene and Te Whero Whero entitled them to some consideration in pleading for Rauparaha. They urged that not only the reputation of the Government but their own would suffer if Rauparaha should be kept close prisoner. They offered any guarantee required for his peaceful conduct. Grey accepted their unconditional pledge, and allowed Rauparaha and Hohepa to live in the north till Grey might think their return to Porirua advisable. The prisoners sailed to Auckland with Grey himself, and resided peacefully with Te Whero Whero. A large number of chiefs visited Rauparaha in his exile. Eloquent speeches were made. He recounted his own deeds of old, and the stealthy surprise by which he had been entrapped. But his heart was dark, and he quickly withdrew from the assembly. In 1848 he returned home, in an English man-of-war, accompanied by the Governor, Te Whero Where, Colonel G. C. Mundy, and others. Preparations were made to receive him at Otaki. He went on deck in an officer's uniform, and saw the Governor and others in plain dress. His eye flashed meaningly. He withdrew and promptly re-appeared in a mat and blanket. He asked for a salute on landing, but Grey would not accord it. Te Whero Whero, dressed in best attire, landed with the party. Rauparaha's son had gone on board to meet his father in

European evening costume. A companion of Grey's related that, after landing, Rauparaha strode from the rest of the party (who proceeded to the village), sat down on the ocean shore, "covered his old grey head with his mat, and remained for hours immovable. Not a soul of his family or tribe came near him: they stood aloof in a crowd several hundred paces distant; for Maori etiquette forbade that the great chieftain should be approached whilst exhibiting such signs of emotion." Maori custom required that the Governor's clemency should not be unacknowledged: and the old man's son gave a great feast. Though described by Colonel Mundy as showing the remains of great personal strength, Rauparaha was bowed by age and did not long survive his return. In 1849 he died, eighty years old, and was buried at a spot selected by his old comrade Rangihæata, near the Otaki church. Fifteen hundred mourners followed his remains to the grave. Rangihæata had survived "the eye of faith" about seven years, when he too was gathered to his fathers. After the embers of his strife had died out he met the Governor at Otaki, and said he was not tired of war, but the times were peaceful, and men like women used the weapon of the tongue. "I want nothing of the white men. I wear nothing of their work," he proudly said, arrayed with feathers in his hair, and with a dog-skin mantle thrown over him. When Grey reminded him that a peacock's feather in his hair was not native, he cast it reproachfully on the ground, saying, "True; that is Pakeha." He did not acknowledge that Europeans had conquered him. Mr. Forsaith, in 1860, in the House of Representatives at Auckland, reminded members that Rangihæata said to Grey, "I am finished. But do not suppose, O Governor, that you conquered me. No. It was these, my own relatives and friends, Rangitake and others. It was by them I was overcome." As years rolled on, he too, like Rauparaha, attended Divine worship, and dissuaded from war. He accepted European arts for his people, but adhered to Maori customs in his own person. In 1852 Mr. Donald McLean reported that Rangihæata was making roads, and transferring to the Crown the chieftainship over them. In 1849 Rangihæata pointed out to McLean the impregnable position of his pah at Porotawao to which he had retreated in

1846. The morasses and lagoons would have furnished eels, the forests on the hills their feathered game. In 1849 the mention of roads excited his wrath. He thought them means of conquest. In 1852 three lines of road were in course of construction at Porotawao; one of them at Rangihæata's sole expense. In 1852 he wrote to Grey: "O Governor! my friend,—I send you greeting. I cannot express how much I respect or regard you. This then is my address to you; and it is in reference to the considerate manner in which you treated me in times gone by. I need scarcely call to your remembrance the circumstances attending my flight and pursuit; how it was that I took refuge in the fastnesses and hollows of the country, as a crab lies concealed in the depths and hollows of the rocks. You it was who sought and found me out, and through your kindness it is that I am at this present time enjoying your confidence and surrounded with peace and quietness. This then is the expression of my esteem for you, which I take occasion to make now that you are on the point of leaving for your native land. . . . TE RANGIHÆATA, Principal Surviving Chief of the Ngatitoa tribe."

Though Colonel Mundy as the guest and companion of Governor Grey saw many chiefs, nothing could induce him to visit Rangihæata, whom he styled in his book "The Tiger of the Wairau": but who was described to him as "singularly manly, well-formed, and athletic; in height about six feet two, with curly black hair, aquiline features, a small piercing eye, and a haughty bearing." Other Englishmen have said that they never looked upon a finer form than that of Rangihæata. The Governor won a measure of personal respect from Heke. Unlike old Kawiti, Heke held aloof from the whites for some time after his proclaimed pardon. His friendly interview with the commander of a man-of-war who made a tour in the interior at the Governor's request was duly reported. He affected to expect the Governor to visit him at his agricultural retreat. In July, 1849, he wrote a letter to the Queen of which the Governor advised the acceptance as a customary courtesy, but not as a tribute to the assumed consequence of the writer, who dwelt on the necessity for adhering to the mutual relations established between King George and Hongi, and deprecated the pouring out of innocent Maori blood by the quarrelsome foreigners. In 1850

the turbulent patriot was smitten by consumption, and Grey sent him presents which he gratefully acknowledged ; a lingering remembrance of past suspicions haunted him even in affliction, for, taking a sovereign from a number, he turned it round and round and said significantly, "As it comes from Governor Grey, I am looking to see if it has a hook anywhere about it." After some months' illness he died on the 6th of August, aged forty-two years. There were various reports of the cause of his death, but the Governor "apprehended the truth to be that he died from consumption." In May he wrote to Grey, "My disease is great, but do not grieve about that. This is not the everlasting abode of the body." He died a Christian, kindly attended by his wife, the daughter of Hongi. His relatives paid the customary respect to his remains, solemnly exposed his bones before the tribe on two occasions, and finally deposited them in a mountain cavern at Kaikohe. Old Pomārē, the object of so much solicitude at the time of Heke's war, and then seized under a flag of truce, died at the same time as Heke, seventy-five years old : and the warriors of the ancient race waned one by one before the paramount Pakeha.

A significant emblem was shown in February, 1853, when old Kawiti was publicly baptized by Henry Williams in the Paparaka church crowded by his countrymen. He had previously informed them that he had decided to renounce his Maori ritenga (mos, or usages) and enter the Christian Church. For a year he regularly received religious instruction from Williams, who, when he baptized him, trusted that the "honourable old warrior had in sincerity and truth become a soldier of Christ." Kawiti's conversion smoothed the way to the re-erection by his son of the flag-staff at Kororarika, as mentioned elsewhere.

Not in the field only but in the senate the Governor had weapons. To provide against such deeds as Rangihaeata's seizure of gunpowder at Kapiti, he passed a law to prohibit the keeping of gunpowder except in stipulated quantity. He strove to prevent the sale of ardent spirits to the Maoris. He gave gifts and procured pensions for his friends. On Waka Nene an annuity of £100 a year was settled by law for the valuable services rendered by him, "and the zeal, courage, and loyalty" he had displayed. While labouring thus the Governor

was nevertheless paving the way for future trouble by a despatch hastily written and not withdrawn when its impropriety was proved. He would be *aut Cæsar aut nullus*. He desired to show that he was not dependent upon the good offices of the missionaries.

In June, 1846, before he sailed upon the expedition in which he seized Rauparaha, and, it may be presumed, before he had become acquainted with the intricacies of the question, he wrote to the new Secretary of State, Mr. Gladstone, that which was long known in New Zealand as the "Blood and Treasure" despatch. It was marked "confidential," and was written on the same day that Lord John Russell with the aid of Mr. Disraeli procured a majority against Sir Robert Peel on the Protection of Life Bill (Ireland). It was received by Mr. Gladstone's successor, Earl Grey. It deprecated the large tracts of land which Fitzroy had granted under "what is termed the penny an acre proclamation." Claims under it were "not based on substantial justice to the aborigines or to the large majority of British settlers. . . . Her Majesty's Government may also rest satisfied that these individuals cannot be put into possession of these tracts of land without a large expenditure of British blood and money." . . . "It must be decided whether British naval and military forces should be employed in putting these individuals into possession of the land they claim . . . and how are Her Majesty's forces to be reconciled to such a service. It is one attended with the greatest danger, hardship, and privations—it offers few prospects of honour or reward. From the desultory mode of warfare adopted by the natives no decisive victory can be gained . . . the individuals interested in these land claims form a very powerful party. They include among them those connected with the public press, several members of the Church Missionary Society and the numerous families of those gentlemen, various gentlemen holding important offices in the public service. . . . " As it was not true that any missionary asked to be "put in possession," or that any Maori disputed the claims of the missionaries, and as the resolute Henry Williams boldly asserted the fact, and denied for the whole body that any missionary would make a claim rendering possible "such an awful circumstance as the shedding of one drop of human blood"—the unwisdom of the charges made by

the Governor was made manifest as soon as they were known. Earl Grey received them in January, 1847, and forthwith communicated them to the Church Missionary Society. A special committee of the Society met in February. A clear statement of the case was prepared for submission to Parliament. Under Fitzroy's proclamation waiving the Crown's right of pre-emption of a penny an acre, there were no claims of missionaries. In the list of persons claiming arrears exceeding the maximum of 2560 acres fixed by the Land Sales Act, there were six missionaries and two persons who had been missionaries. The lands had been purchased from Maoris before the Queen assumed sovereignty, and at a time when the natives were solicitous to persuade their missionary friends to abide with them. The purchases were countenanced by the land regulations of New South Wales, where grants of land were made by the Government to children of chaplains. The parent society had contented itself with warning its missionaries against permitting the purchase of land to subject them to the reproach of being imbued with a secular spirit. The awful consequence of spending British blood and treasure was now for the first time suggested by the Governor. The Society was sure that "not one missionary or catechist would endure the idea of sacrificing British blood in order to obtain possession of land." Their past lives might "well shield them from such an imputation." Nevertheless, that the Society might be above reproach, the committee resolved "that no missionary or catechist can be allowed to continue his connection with the Society, who shall retain for his own use and benefit a greater amount of land than shall be determined upon as suitable by the Governor of New Zealand and the Bishop of New Zealand, jointly, or by such other referee or referees as they may be pleased to appoint for the determination of this question, the adoption of which measure is not to be regarded as casting any reproach or suspicion upon the past integrity of the missionaries." The committee concluded with further encomium on the missionaries, with thanks to Earl Grey for his courtesy, and an earnest request that their statement might be submitted to Parliament if papers on the question should be laid before it. Earl Grey sent copies of the papers to ex-Governor Fitzroy, who, in March, 1847, stated

strongly his conviction that no missionaries' claims could "give rise to native wars," the natives having "remarkably strong feelings of attachment to the older missionaries and their children." Earl Grey<sup>1</sup> had written to the Governor: "I deeply regret, with you, that any members of the Church Missionary Society should have engaged in this traffic (under Fitzroy's proclamations and notice)." The gallant sailor told the Earl:<sup>2</sup> "I am able to assure your Lordship in the most decided manner that no member of the Church Missionary Society, no missionary or catechist in New Zealand, has done so, directly or indirectly." Charges made without foundation were insupportable. It would have been prudent if not generous to retract them frankly when they were found incapable of proof. Such a course was not chosen, and the result will be told hereafter. It will be sufficient to say here that the Governor linked the influence of Bishop Selwyn indirectly with his own in the course of the proceedings. The thorns which he was to find in his path with regard to the missionary claims were strewn by himself. There were others scattered by Earl Grey. It was known to all men that however rash Heke might have been, he would not have aroused even a section of his countrymen unless he had been able to persuade them that their land was in danger—that the substance of it had passed away, and they were but tenants at will, whom the Pakeha eyed with disgust as he longed for the day when the land would be parcelled out to those whose symbol of authority was the flag at Kororarika. Sir George Gipps had warned the English Government that Earl Grey's principles made known by the report of the House of Commons in 1844 must do mischief. All who knew the Maoris felt the danger of allowing it to be believed that England would not honourably fulfil the treaty of Waitangi.

If Waka Nene and his friends in the north, and the men of Wanganui with the Ngatitoa, Ngatiawa, and Ngatiraukawa in the south and west, were to lose faith in the word of the Queen, all the tribes might combine, and the inversion of the proverb that leaders may govern by dividing might prove that governors may be destroyed by injustice which produces union.

<sup>1</sup> Parliamentary Papers, 1847. Vol. xxxviii. p. 30.

<sup>2</sup> *Ibid.* p. 78 (10th February, 1847).



The hurricane which in the first century almost swept the Romans from Britain might recur with greater terrors in New Zealand, where no Paulinus was at hand with unconquerable legions. No military man supposed that a settler could remain in the country if all Maoris willed it otherwise; and many doubted whether even Wellington and Auckland could be held. In such a state of things, while the Governor was winning the goodwill of the Maori chiefs by studying their language and traditions, and was rewarding their devotion, Earl Grey marked his own accession to office by Instructions as elaborately foolish as they were unjust.<sup>1</sup> He who, as Lord Howick, had been so strenuous a repudiator of good faith with the Maoris, was no sooner installed in office with Lord John Russell than he determined to show the world how he could legislate for the antipodes. The honourable despatch in which Lord Stanley instructed the Governor with relation to the report of the Select Committee of the House of Commons in 1844, was wormwood to its chairman, Lord Howick, who stepped as Earl Grey into the seat from which Lord Stanley had issued the instructions which Earl Grey resolved to undermine. He lost no time in broaching his theories. He procured the passing of a Bill containing his "scheme of municipal, legislative, and executive polity." The provisions for provincial assemblies and a General Assembly need not be set forth here. A special chapter (XIV.) provided that in particular or aboriginal districts the Courts and magistrates were to give effect to the Maori customs and usages so far as they were "not repugnant to the general principles of humanity." After the ignorance displayed by the Wellington magistrates at Wairau, it is difficult to find words to denounce Earl Grey's foolishness in assigning to them the task of deciding what were general principles of humanity, and of carrying into effect Maori customs which they neither respected nor understood. At Governor Grey's request Chapter XIV. was repealed by Royal Instructions, 14th July, 1848. It is noticeable that

<sup>1</sup> There would appear to have been some sense of shame or confusion in Earl Grey, after the failure of his scheme, for in his work 'The Colonial Policy of the Administration of Lord John Russell,' he does not allude to the project which it had cost him so much labour to produce. (*Vide* chapter 'New Zealand.')

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*NEW ZEALAND.*  
*the principles of the Bill elicited no debate in either House, and that on the first reading in the Commons Mr. Hawes, on the part of the Government, said that its object was to establish a municipal and representative Government, "thus carrying into effect the views of both the late and the present Government."*  
 Neither House therefore had warning that Earl Grey intended to deceive Parliament and treacherously break faith with the Maoris by repudiating the spirit of the treaty of Waitangi. When he moved the second reading of the Australian Land Sales Act, in August, 1846, he abstained from drawing attention to the fact that the exclusion of New Zealand would leave the land in that colony at his mercy. Writing on the 23rd December, 1846, to the Governor, Earl Grey said that his project had been objected to, as too complicated, but "the inevitable conditions of the practical problem to be solved were more than usually numerous and complex." The Parliament had drawn the broad outlines; the Queen in Council could complete them, and delegate power to the Governor to fill up details, and obviate errors into which the Imperial Government might have fallen. No more self-satisfied document was ever penned by a Minister. Four instruments were sent with the new Act, viz.: a new charter for the Government; a series of new Royal Instructions, exhibiting all the details of the new scheme; a commission appointing Grey Governor-in-Chief, as well as Governor in each province, and a commission appointing Mr. Eyre Lieutenant-Governor of each of the two provinces immediately to be established. Having solved these "practical problems," Earl Grey proceeded to the malign work of undermining the treaty of Waitangi.

The new statute (9 and 10 Vict. cap. 104) for regulating sales of land in the Australian colonies repealed all previous provisions made with regard to New Zealand. "Thus," Earl Grey said, "there is a complete absence of any statutory provisions on this subject. The Queen, as entitled in right of her Crown to any waste lands in the colony, is free to make whatever rules Her Majesty may see fit on the subject . . ." "The accompanying charter authorizes the Governor to alienate such lands. The accompanying Instructions direct how such power is to be used. I proceed to explain the motives by which these Instruc-

tions have been dictated." From the doctrine "that aboriginal inhabitants of any country are the proprietors of every part of its soil of which they have been accustomed to make any use, or to which they have been accustomed to assert any title" Earl Grey "entirely dissented," "whether it be maintained on the grounds of religion, morality, or of expediency." He quoted an abstract opinion of Dr. Arnold's (not written with reference to any country where a treaty like that of Waitangi had been made) as just reasoning, and declared that it could hardly be denied that it was "fatal to the right which had been claimed for the aboriginal inhabitants of those islands to the exclusive possession of the vast extent of fertile but unoccupied lands which they contain." He would not invade their "patches of potato ground;" "but so long as this injustice was avoided I must regard it as a vain and unfounded scruple which would have acknowledged their right of property in land which remained unsubdued to the uses of man. But if the savage inhabitants of New Zealand had themselves no right of property in land which they did not occupy, it is obvious that they could not convey to others what they did not themselves possess." Again, "it was only as tribes that they were supposed to possess it, and granting their title as such to have been good and valid, it was obviously a right which the tribes enjoyed as independent communities; an attribute of sovereignty which with the sovereignty naturally and necessarily was transferred to the British Crown." Such were the principles on which Governor Grey would be instructed to act, "if the colonization of New Zealand were only now about to begin." Past transactions (notably, it may be inferred, the decision of the House of Commons in 1845, to respect the treaty of Waitangi) made "a strict application of these principles impracticable, but the Governor was to look to them as the foundation of the policy which so far as it was in his power he was to pursue." "The exclusive right of the Crown to purchase land from the native tribes to which it has been assumed that it belongs" rested "not only upon what has been called the treaty of Waitangi," but upon national law. There were other passages in the despatch which spoke of the sacred duty of watching over the interests and cultivating the minds of the aborigines, and it is fair that they should be alluded to, in

order that those who choose to do so may refer to Earl Grey's own words in the Parliamentary Papers which contain his base scheme to defraud an honourable race of its heritage, to humiliate England by making her guilty of a gross breach of faith, and to effect by official trickery what the House of Commons, stirred by the manly words of Peel, had refused to do. The Earl's humane professions were but as vapour when contrasted with the ninth section of the thirteenth chapter of the Royal Instructions attempted to be imposed on the Governor. There were to be District Land Courts. "(9) No claim shall be admitted in the said Land Courts on behalf of the original inhabitants of New Zealand to any lands situate within the said islands, unless it shall be established to the satisfaction of such Court that either by some act of the Executive Government of New Zealand as hitherto constituted, or by the adjudication of some Court of competent jurisdiction within New Zealand, the right of such aboriginal inhabitants to such lands has been acknowledged and ascertained, or that the claimants or their progenitors, or those from whom they derived title, have actually had the occupation of the lands so claimed, and have been accustomed to enjoy the same, either as places of abode or for tillage, or for the growth of crops, or for the depasturing of cattle, or otherwise for the convenience and sustentation of life, by means of labour expended thereupon." Earl Grey had heard that the rights of Maoris to land were, like those of his Teutonic ancestors, in the main, common. The heredium, the homestead, was undisturbed by tribal intrusion; but, as amongst the ancient Germans, no member of a tribe could sell to a stranger even his apparent patrimony without tribal consent. The hunting-ground had ever been common, and by the treaty of Waitangi the Queen had "confirmed and guaranteed to the chiefs and tribes of New Zealand, and to the respective families and individuals thereof, the full, exclusive, and undisturbed possession of their lands and estates, forests, fisheries, and other properties which they may individually and collectively possess, so long as it is their wish and desire to retain the same in their possession." Lord Stanley had, it was true, in burning words denounced as unworthy any evasion of the treaty to which the Queen was pledged. But his successor was the man who, in 1844, submitted

to a Committee resolutions, declaring that the treaty was "injudicious"—that the acknowledgment of a Maori "right of property in wild lands" . . . was contrary to all sound principles, and that their ownership "should have been confined to land actually occupied and enjoyed;" and who advised that "means ought to be forthwith adopted for establishing the exclusive title of the Crown to all unoccupied and waste land."

It was not a sin of ignorance that the Lord Howick of 1844 committed when, as Earl Grey and Secretary of State in 1846, he endeavoured cunningly to practise the breach of faith which in 1845 the House of Commons had condemned at the request of Peel. All native claims were to be registered. All unregistered lands were to be confiscated finally without appeal.<sup>1</sup> Virgin lands were confiscated without the formality of a failure to register an ancestral claim. Earl Grey could not have been so vacuous as to be ignorant that his Instructions would dispossess the natives of the bulk of their lands, and the Governor told him that not by cultivation only, "but from fern-root, from fishing, from eel-ponds, from hunting wild pigs (for which they require extensive runs), and by such like pursuits" the Maoris supported themselves; and that "to deprive them of their wild lands for the purpose of cultivation, is in fact to cut off from them some of their most important means of subsistence." Even the cutting down of a tree on certain lands was a deadly infringement of Maori hereditary rights. Fortunately the theorizing Earl had misunderstood the "practical problem" of New Zealand so completely that his scheme broke down.

The new Royal Instructions for welding into one people the Europeans and the Maoris under municipal and representative Government distinctly provided that the franchise was to be withheld from "any person not able to read and write in the English language." Governor Grey adroitly expressed (3rd May, 1847), much concern lest any want of care on his part in forwarding information should have left Her Majesty's Government in ignorance of various points which he feared were not under their consideration when they proposed to introduce the

<sup>1</sup> Such was the interpretation put upon the Instructions by the noble-minded Sir William Martin, the Chief Justice, who joined with the Bishop in protesting against them.

new constitution into the Northern Island, where there were about 100,000 Maoris and 4500 Europeans. All the Maoris would be excluded from the representation offered, for he did not know one who could read and write English, though they could read and write Maori fluently, and contributed largely to the revenue. The European minority would impose taxation, and would not have to pay for the British troops who would be employed in coercing the Maori majority. The Maoris would be indignant. Friendly chiefs would point out that they had shed their blood to maintain the Queen's sovereignty. The Maoris were equal in natural sense and ability to the mass of the European population, jealous and suspicious. No nation in the world was more sensitive as to the disposal of their property, and no people that Grey was acquainted with "less likely to sit down quietly under what they may regard as injustice."

The Governor wrote much in this strain, and Earl Grey published the bulk of the despatch forthwith. He suppressed passages which suggested that the governing minority "to whom the new powers are to be entrusted will benefit largely from (Imperial) expenditure, and will have a direct interest as great as possible;" and that such devices as those of the Select Committee, in 1844, roused suspicion, and tended to cause the Maoris to combine. "Indeed, so far has this spirit of nationality extended that it is a common object of contemplation amongst their young chiefs, and I feel satisfied that many of them have entertained this design if a favourable opportunity offers of endeavouring to set up some national government." It was surely iniquitous to conceal this statement from Parliament. Earl Grey excised also the following extracts: "If the privilege of local self-government is one of such inestimable value, how much greater a privilege must it be deemed to confer upon so small a population (only a portion of the adult males of whom would really be the persons . . .) such extensive power over so large a number of their fellow-creatures whose interests in many respects are totally opposed to their own? Then if one examines the claims of the inhabitants of this portion of New Zealand to so vast and unusual a privilege, one feels much difficulty in seeing on what grounds such claims could rest; but it is certain that the majority of them have never quitted the immediate

vicinity of the town, and know little more of New Zealand and its inhabitants and of their wants and real position than people living in England do. To permit, therefore, the inhabitants of this little town to return the representatives to the Lower Chamber, does not really give to New Zealand the benefit of a representative government in the ordinary sense of those words. In reference to the other arguments I have used, viz. that it should be remembered that the minority, to whom it is proposed to entrust these powers, are not required, indeed, cannot pay the expenses of the naval and military force which their proceedings may at any time necessitate to be employed in this country, I beg to state that whilst I have been writing this despatch Lieut-Col. Gold, the officer commanding the troops in the northern portion of this island, has called upon me in reference to some recent proceedings here, to state his entire conviction that many most improper steps are taken by the European population of this colony with the sole object of compelling the Government to incur an increased naval and military expenditure. Captain Graham, C.B., the senior naval officer upon this station, some time since wrote me a letter in which he formally recorded it as his opinion that such was also the sole object of many Europeans here, and my own opinion entirely coincides with that of the two officers.”<sup>1</sup>

The Governor did not offend Earl Grey's diseased antipathy by any allusion to the treaty of Waitangi, to which he, like his predecessors, had so solemnly and repeatedly pledged the British faith, but he assumed a responsibility which none but a strong man could incur. He refrained from giving effect to the proposed Instructions, and earnestly requested Earl Grey to advise her Majesty to revoke their offensive portions. He pointed out in a separate despatch the steps which he thought necessary for the government of New Zealand, and Earl Grey in his work, ‘The Colonial Policy of the Administration of Lord John Russell,’ declares: “We did not hesitate to act upon his advice.”

<sup>1</sup> It may be conceded that while Sir George Grey was Governor the publication of his opinion would have been indiscreet, but no such objection existed as to the verdict of the gallant officers, which Parliament was entitled to know, and the knowledge of which might possibly have averted future war.



. . . "The merit which we are entitled to claim, is what belongs to us for having supported him in the policy he has pursued, and co-operated with him to the utmost of our power." The blunder of excluding every Maori from the franchise, and the base instruction to violate the treaty of Waitangi as far as practicable, find no place in the book of Earl Grey, and deserve the more distinct reprobation in history.

The Governor's despatches had been written in May; but Earl Grey's injurious proposition did not become known in the colony until June, 1847. There were true leaders of Christian men in New Zealand who stepped forward in the imminent breach to save England from the shame with which Earl Grey would have loaded her. Chief Justice Martin offered his assistance to Bishop Selwyn in representing the injustice and impolicy of the Earl's propositions. The Governor professed to disbelieve that he was instructed to give them effect. The Bishop was not deceived by such professions, and his character gave weight to his words. Passing from camp to camp in time of war, visiting the wounded under fire, crossing swollen rivers, threading mountain tracks in company with those whom Earl Grey scorned as treacherous savages, Selwyn had won a reputation for the courage of a warrior and the devotion of a Christian apostle. First appealing for confirmation as to facts to Henry Williams (who had translated and explained the treaty when it was made), and fortified by his clear statement, the Bishop on behalf of himself, and of the clergy employed by Governor Hobson to explain and interpret the treaty of Waitangi to the chiefs in 1840, recorded his "formal and deliberate protest against the principles" expressed by Earl Grey in his despatch. None of those clergy would have aided Hobson if Hobson's assurances "had not been directly contrary to the principles now avowed by the Right Honourable Earl Grey." "It is my duty" (he added) "also to inform your Excellency that I am resolved, God being my helper, to use all legal and constitutional measures, befitting my station, to inform the natives of New Zealand of their rights and privileges as British subjects, and to assist them in asserting and maintaining them, whether by petition to the Imperial Parliament, or other loyal and peaceable methods; but that in so doing I shall not forget the respect which I owe to your Excellency, nor do any-

thing which can be considered likely to add to the difficulties of the colony." The Bishop's request that his protest might be forwarded to the Secretary of State was at once complied with by the Governor, who, to do him justice, was manfully striving to counteract Earl Grey's sinister Instructions. The Chief Justice drew up a clear and cogent statement,<sup>1</sup> which was printed at the Bishop's College Press, but was not published. A few copies were sent to friends in England. The Governor was not unconscious of the danger he denied.

Captain Sotheby of H.M.S. 'Racehorse' received orders to visit the chiefs in the Northern Island, and in transmitting a report the Governor invited Earl Grey's attention to "the rapidity with which the report that the British Government intended to deprive the native chiefs of all lands not under cultivation had circulated through the northern part of the island, and the dissatisfaction which this report had excited even in the minds of those chiefs who had hitherto been friendly to the British, and had always fought on our side." Captain Sotheby, aided by Waka Nene, informed the chiefs in various places, "on the authority of his Excellency the Governor, that that there was no truth in the report that the Government claimed all land not under tillage." But though they trusted the Governor the Maoris distrusted Earl Grey. Te Whero Whero and others wrote to the Queen. With her word they would be content. "O Madam the Queen . . . hearken to our words, the words of all the chiefs of Waikato. . . . May God grant that you may hold fast our word, and we your word for ever. Madam, listen; news are going about here that your Ministers are talking of taking away the land of the native without cause, which makes our hearts dark. But we do not believe this news, because we heard from the first Governor that the disposal of the land is with ourselves. And from the second Governor we heard the same word, and from this Governor. They have all said the same. Therefore we write to you that you may be kind to us, to your friends that love you. Write your thoughts to us, that peace may prevail among the natives

<sup>1</sup> 'England and the New Zealanders.' Remarks upon a despatch from the Right Honourable Earl Grey to Governor Grey, dated 23rd December, 1846. Bishop's Auckland, 1847.

of these islands." In transmitting the letter Grey said that he had assured the chiefs that he was instructed scrupulously to fulfil the conditions of the treaty; but they said their countrymen's jealousy was roused, and some distinct declaration upon the subject from the Queen was requisite to secure their attachment. Grey commended Te Whero Whero to Earl Grey as a most excellent man, and a most faithful subject. From the Wesleyan Mission Committee in London Earl Grey received also a lengthy and earnest memorial deprecating any violation of the treaty of Waitangi, and dwelling on the alarm created by Earl Grey's despatch. They referred to the establishment and wording of the treaty, to the pledges of former Secretaries of State and of Governors. They apprehended the most fatal results from the enforcement of Earl Grey's novel Instructions. They did not call Earl Grey's Instructions nefarious, but they proved them so. Before he answered the memorial the conscience of mankind had taught him to speak of "the treaty of Waitangi," and not of "that which has been called the treaty." In reply he employed the able pen and signature of the Under-Secretary, Herman Merivale, who thought the treaty in its inception a mistake as recognizing private estates of Maoris, but who declared in 1861 that Earl Grey's "assertion of general principle came too late to be of much practical use after the treaty of Waitangi." The reply to the Wesleyan Committee, though argumentative, stated that Her Majesty's Government intended, "and have always intended to recognize the treaty of Waitangi," and that the attention of the Governor would be directed to the true meaning of the Instructions. The Wesleyan Committee thanked Earl Grey for his favourable reply. In sending to New Zealand the correspondence with the Wesleyan Committee, Earl Grey conveyed the satisfaction with which the Queen had received the loyal and dutiful address of Te Whero Whero and the Waikato chiefs, and Her Majesty's assurance that "there is no foundation for the rumours to which they allude; and that it never was intended that the treaty of Waitangi should be violated by dispossessing the tribes which are parties to it. . . . On the contrary, Her Majesty has always directed that the treaty should be most scrupulously and religiously observed."

The Bishop had not contented himself with his personal

protest. A strongly-worded petition signed by himself, by the Chief Justice and many others, was handed to the Governor for transmission. They declared that there was danger in the alteration of policy proposed in Earl Grey's despatch, and that though the Governor maintained silence as to the intentions of the local government, something more was required. They prayed that Earl Grey's Instructions might be revoked as derogatory to the Queen's honour, and that the spirit as well as the letter of the treaty might be religiously maintained.

It must have been wormwood to the Earl to reply that the Queen had received the petition very graciously, and that he was commanded to refer to the repeated assurances of the Government that no intention had "ever existed to interfere with any of the rights secured to the natives of New Zealand by the treaty of Waitangi." The cause maintained by Lord Stanley and Sir Robert Peel had so far prospered that their opponent recognized the treaty. The Governor meanwhile professed respect for the treaty, and endeavoured to convince himself and others that Earl Grey's Instructions could be wrested into conformity with it. He was compelled, however, to furnish further proof that the construction put on his policy by Te Whero Whero, by the Bishop, by the Wesleyan Committee in London, and by the Chief Justice, was generally entertained. The Rev. Robert Maunsell, on the ground that he had taken a large share in the framing and adoption of the Waitangi treaty, urged his claim to be heard in favour of its inviolability. He appealed to the Governor. From the day on which that treaty "was signed the conduct of the Maori towards the British has been marked by a spirit of chivalry, of friendship, and of good faith." . . . "Why now does the statesman of a mighty nation seek to confiscate the guaranteed possessions of our friends and allies?" The Instructions and despatch carried out the spirit of the Select Committee Report of 1844, "(of which also Earl Grey was I believe the chief author), and they all indicate an uniform preconcerted plan, which though rejected by the then Colonial Secretary is now revived with authority and furnished with machinery for being carried into operation." The only course open to some of the missionaries would be in sorrow to leave the country as soon as the Governor might begin

to act on his Instructions. Mr. Maunsell was represented by the Governor as an excellent person. Never having obtained land for himself he was free to shake the dust from his feet if Earl Grey's scheme made honourable stay impossible. Earl Grey referred to his reply to Te Whero Whero as an answer to Mr. Maunsell's arguments against his scheme.

"Deeply lamenting the necessity," in deference to the Governor's advice, Earl Grey abandoned his projects. On the 20th and on the 30th November, 1847, he informed the Governor that Parliament would be asked to pass a Bill enabling the Queen to suspend the new constitution. "A sense of what is due to the public safety," he said, "could alone have induced the Government to sanction a departure from the plan originally chalked out." The old legislative body would be reconstituted for a limited time, and empowered to establish two subordinate provincial councils, and (should it be deemed advisable) to introduce representative members therein. The restriction of municipal franchise to those who could read and write English the Governor would have a discretionary power to dispense with. The tried ability and knowledge of the Governor made Earl Grey feel it his duty to give to his "opinion all that personal weight to which it is entitled." But though the scheme was abandoned, one conspicuous opponent of it was not to be allowed a peaceful triumph. Beloved and admired by Maoris, and respected by all, Bishop Selwyn's character had given force to his protest which entered like iron into the soul of Earl Grey. On him he vented his spleen. A despatch of the same date as the one last quoted denounced the haste and excitement of the Bishop in his "perilous appeal to the feelings of the natives," and vainly argued in words which were to be communicated to the Bishop by the Governor, that his despatch expressed only "opinions," and that the universal understanding as to it and the Instructions was erroneous. About the outrageous Chapter XIII. the Earl was discreetly silent, though his despatch was lengthy. The Bishop had no difficulty in exposing its fallacies. He justified his protest, and denied that it was circulated in such a manner as to excite the Maoris to resistance. Not one of them had seen it. This denial was confirmed by the Governor in transmitting the Bishop's letter. With it the Bishop sent the printed paper

drawn up by Chief Justice Martin, as already described. "Whether," the Bishop said, "Earl Grey's principle were a mere expression of opinion, or an opinion big with the fate of the New Zealanders; whether the grievance were substantial in its nature, or in itself an act of injustice; whether the New Zealanders be careless of their rights or vigorous in asserting them; whether they be warriors to command our respect, or worms to be trampled on; whether the treaty of Waitangi be a mere farce, or a solemn act of the Queen in the exercise of her prerogative;—we all, with one voice, as the friends and advisers of this native people, have persuaded them to put their trust in the good faith of England; and with one voice we will protest against any infringement, either in word or act, of the rights of British subjects which they acquired by cession of their independent sovereignty." He appealed to the Governor to say whether he had not found the clergy and missionaries of all denominations faithful allies to British interests, and Grey reported that such was undoubtedly the case, and that if he had not done ample justice to the Bishop and the missionaries he could only plead that many of his despatches were written under the exciting circumstances of war when he himself was called upon to take an active part.

With regard to the Chief Justice's pamphlet, entitled 'England and the New Zealanders,' the Governor expressed regret at the course adopted, and forwarded to its author copies of the despatch discussing the Bishop's defence of his protest. The Chief Justice reminded the Governor that on the arrival of Earl Grey's despatch the Bishop had represented the alarm created by it, and stated that both Bishop and Chief Justice concurred "in the view taken by the great body of the colonists of the tendency of the despatch," and offered such aid as they could render "under the urgent difficulty." They subsequently determined that "to ward off great evils" they were bound as good subjects to do what they could, and it seemed proper to draw up a complete statement of the case, and put it "into the hands of the leading public men in England." The 'Remarks,' drawn up by the Chief Justice, were printed at the College Press to avoid risk of publicity and embarrassment to the Governor, and only five copies were given to private friends in New Zealand.

In dignified language Chief Justice Martin defended his position and refuted Earl Grey. He had always endeavoured to abstain from political questions; but the chiefs had often asked him whether the words of the first Governor would be fulfilled, and Martin had always answered: "The words of the first Governor were the words of the Queen; they will never be broken." Moreover, on various occasions he had been requested to convey such an assurance to the chiefs on behalf of the Government. Whether his conduct, in striving to secure peace in coming years, was justifiable, he left with entire deference to the judgment of Her Majesty's Government, with whom it would rest to determine whether it would be for the public advantage that he should still retain the office which Her Majesty had entrusted to him.

A prophetic passage in the Chief Justice's pamphlet demands especial notice. It was devoted to prove, "that Earl Grey's Instructions involve a breach of the national faith of Britain; and a violation of established law;" and to protest against the new principle of colonization advocated by Earl Grey. The past dealings of England with the Maoris, the national faith pledged in the treaty; the words of Waka Nene when he induced his countrymen to sign it; the reference to those words by Sir Robert Peel, when he said to the opposition—"Do not hastily renounce that character for honour and good faith to which this chief appealed in his eloquent address;" the fact that, in New Zealand, Governor after Governor had solemnly declared that the treaty should never be violated; and Lord Stanley's noble words rebuking the company in London, were marshalled with irresistible force by the Chief Justice. He proved, from writings of American jurists, that even if there had been no treaty, the universal principle, obeyed alike by England and the United States, regarded the American Indians as proprietors of the soil, and that in Canada (Sir Howard Douglas had declared in 1845): "Every part of the vast region now settled has been obtained by regular conveyances and compacts from the native tribes." He proved that Chapter XIII. of Earl Grey's instructions must bring about confiscation, "final and without appeal." He cited proofs that the New Zealand Company's followers had already raised a



shout of triumph over the Maori, and a song of praise to Earl Grey. One writer declared that by Earl Grey's Constitution, "the humbug treaty of Waitangi is very properly laid on the shelf;" another, that "it sweeps away the whole system of official machinery and self-impeding sophistry established by Lord Stanley—all the treaty of Waitangi nonsense. . . ." Finally, he pointed out that as yet among the Maoris, confidence had "on the whole prevailed, because no act of aggression has been committed by the Queen's Government. . . . In particular those who have received Christianity are disposed to look up to us for guidance and government. But let the plan of confiscation or seizure be once acted on, and all this will be at an end. The worst surmises of the natives will have become realities. To them we shall appear to be a nation of liars. All our means of exercising a moral influence over this people will have ceased, together with all the hopes (which we have nationally professed to hold most dear) of success in the work of civilizing and Christianizing them. The Christian faith itself has from the necessity of the case been received mainly upon our credit; that is, in the belief that the Pakeha who proclaimed it was a true man, honestly seeking to benefit, in every way, those whom he instructed. If our dishonesty shall be seen, the Christian religion will be abandoned by the mass of those who now receive it. That such will, in that case, be the result, may be shown (as far as any result yet contingent can be foreshown at all) from the language and conduct of the natives, since the contents of Earl Grey's despatch became known. This consideration can scarcely be deemed a slight matter in the judgment of any Englishman; certainly it cannot appear so in the judgment of any Christian man."

The Chief Justice's prophecy was scorned at the time; but when the local government proved faithless, the prediction was verified by the apostasy of large numbers of Maoris. Amongst those whose hatred of the Maoris was increased by this defection, there were perhaps many descendants of the East Saxons who, in a body, in the seventh century, forsook Christianity and resumed the worship of idols,<sup>1</sup> when the yellow plague appeared amongst them. The prophet in New Zealand found no honour

<sup>1</sup> Bede, 'Ecclesiastical History,' ii. cap. 30.

except amongst a chosen few. Writing to the Rev. E. Coleridge in England (1848), the Bishop replied to animadversions upon his protest by declaring that, "If Lord Grey's principle had been avowed by the Governor as the rule of his policy, the safety of the English settlements could not have been guaranteed for a day." The Chief Justice and Bishop had been told by the Governor that "the Instructions were only a satisfaction to Earl Grey's theoretical opinions to which he was pledged, and that he neither would nor could carry them into practice in New Zealand. We, on the contrary, affirmed that the abstract injustice of the principle was in itself an evil to be protested against. . . . We looked in vain in the English newspapers for any condemnation of a doctrine which we believe to be so essentially false, and so dangerous to New Zealand in particular."<sup>1</sup>

For a time a great crime was averted. Even Earl Grey's obstinacy was abashed by the manly and temperate tone of the good and wise Chief Justice. The battle was won, and Parliament had pronounced judgment before the Governor's despatches were answered. Earl Grey was constrained to acknowledge that many of his former comments on the Bishop's protest were unnecessary, inasmuch as the protest was a private remonstrance, and had not been generally circulated. As the question had become abstract rather than practical, he did not notice the Bishop's further observations. The Bishop promptly accepted the explanation as regarded himself. As to the rights of Maoris, as understood by the missionaries, it would be unnecessary to say more unless they should be again assailed. Chief Justice Martin was not removed from office. Earl Grey doubted not that he was actuated by the best and purest intentions, and

<sup>1</sup> Time has brought about a change in Earl Grey's protests which Bishop Selwyn did not live to see. In 1880 the Earl bitterly denounced the Irish Land Act of 1870 for interfering with "freedom of contract," and invading the "rights of property." A further "departure from principle" was heinous in his eyes. Forgetful it may be of his Instructions of 1846, he wrote to the 'Times' (30th December, 1880): "No nation ever departs from the principles of justice and the canons of sound legislation . . . no matter under what pressure of necessity—without paying dearly for it in the end." Was it his idea that the Queen's word plighted in a treaty deserved less reverence than a landlord's temporary lease, and that the Maoris had scantier property in their native land than the purchaser at a Sheriff's sale? Or had he different "principles" for different parts of the world?

it was "amply sufficient" for Earl Grey to be assured that the Chief Justice had no intention to give publicity to the "Remarks" in New Zealand. To a friend in England, the Bishop wrote (1848) that Earl Grey had sent him a complimentary message, "but I would rather that he cut me in pieces than induced me by any personal compliments to resign the New Zealanders to the tender mercies of men who avow the right to take the land, and who would not scruple to use force for that purpose." In 1851, looking back upon the crisis, he said, "A little more and Lord Grey would have made me a missionary Bishop, with my path upon the mountain wave, my home upon the deep."

In December, 1847, Mr. Labouchere introduced in the Commons a Bill to sweep away Earl Grey's scheme, and to confide entirely in the discretion of Governor Grey. Mr. Gladstone approved the new Bill, thinking that the zeal of Earl Grey had outrun his discretion in 1846. He touched on the Bishop's protest, and saw nothing in it which contemplated publication in New Zealand. Mr. Roundell Palmer also justified the Bishop. Mr. Joseph Hume condemned Bishop and missionaries, and Mr. Cardwell maintained that the protest was within the scope of the solemn responsibilities of the learned and most estimable prelate who made it. "There was no right more inherent than that of an Englishman in any situation to state, in firm and temperate language, his opinion on a matter for which he was responsible." Sir Edward Buxton and others spoke in a similar strain; and Mr. Labouchere had little defence to make, except that the protest was unjustifiable because Earl Grey's despatch did not really mean what it said, and what no Maori could doubt that it meant. On February 9th, the Bill was to be committed. On the previous day the narrative of Captain Sotheby's visit to the Northern chiefs with Grey's opinion that he could "not now entertain any doubt that the country is in a very critical state," had been placed before the House. Mr. Gladstone urged the demands of the Maoris for justice, declared that "as far as England was concerned, there was not a more strictly and rigorously binding treaty in existence than that of Waitangi," and deplored the unfortunate designation of it by Earl Grey as that which "has been called

the treaty." Mr. Labouchere declared that the treaty "should be scrupulously and largely interpreted," and hoped Mr. Gladstone "would be satisfied that there was no intention on the part of the Colonial Office to interfere with or take any course upon the question of waste lands in New Zealand, inconsistent with the rights guaranteed to the natives under the treaty of Waitangi." The cause of the Bishop was triumphant; and not the less because Mr. Labouchere contended at great length that Earl Grey had not intended to undermine the treaty. Mr. Cardwell said that as the House "had ascertained from the Government the spirit in which they intended in future to carry out the treaty, he thought it would not be proper to offer any further opposition to going into Committee."

There was further discussion; the Earl of Lincoln recommended the withdrawal of the Bill, and repeal rather than suspension of the Act of 1846. Mr. Labouchere expressed the gratitude of the Government to Bishop Selwyn for the exertions he had "recently made in settling claims to land on the part of the missionaries, which were causing the greatest peril to the colony." Mr. Disraeli did not allow Earl Grey to escape censure. He asked if it "was to be tolerated that a Government being just formed, a member of it imbued with certain abstract and theoretical opinions upon Colonial Government, should make his *début* in his official career by drawing up with the greatest coolness what he called 'a Constitution,' sending it to a distant colony, and to an appalled Governor, and be saved only by the discretion and the abilities of the Governor, and by the presumed indulgence of the House of Commons from the consequences of absurdity so flagrant, and which might have been so ruinous?" Why have a Bill to suspend a Constitution which was not really in existence, and acknowledged by the Government to be too ridiculous to defend? They were "astounded by one great assumption, that there was a Constitution which had been suspended. Why should they introduce into this new, this simple, and this primitive society, such a degree of enormous lying?"

On all sides the ability of Governor Grey was relied upon to counteract the crotchets of Earl Grey, and the Bill was sent to

the Lords, where in moving the second reading, Earl Grey, in praising the Governor, urged that it would be "inexpedient not to be guided almost implicitly by the advice received from a person on the spot, who had shown practically that he so thoroughly understood the position and interests of the colony. Looking at what Governor Grey had achieved, he thought it would involve no little presumption to think they could form a judgment of the measures that should be adopted there better than himself. Accordingly, the measure which he was about to ask their Lordships to sanction, was founded almost entirely on the recommendations of Captain Grey." He had not been quite prepared for the fact that though by far the majority of the Maoris could read and write their own language, the Governor knew none of them who could read and write English, and therefore all were debarred by Earl Grey from the franchise; "but no doubt it was one of considerable importance." Like the man who, when rated, abuses some one else, "he thought it a great error on the part of the missionaries in New Zealand that they had reduced the barbarous language of the tribes there to the condition of a written language."

Lord Stanley expressed surprise that the papers laid before Parliament contained no opinion of the Governor on the Instructions issued by Earl Grey as to the property of the Maoris in land unsubdued to the purposes of man. He firmly believed that the Governor was determined to maintain the sacredness of the right of the tribes to their land, and he did not think himself bound to offer any opposition to the Bill.

Governor Grey was left to manage the land as well as all other affairs. His mode of reconciling the treaty of Waitangi with Earl Grey's Instructions was more adroit than ingenuous. He "considered the Instructions as referring to such lands only as have no claimants, and not in any way touching the treaty of Waitangi." He expected that in some places native titles might disappear before the Government would be called upon to assert its own. He was more politic than candid in thus speculating at a time when he was assuring the Maoris that the treaty of Waitangi should be religiously respected. Independently of the paramount right to the land, he had been sorely vexed by the question of the acquisition of private rights. As early as in

June, 1846, he lamented that, under cover of Governor Fitzroy's penny-an-acre proclamation of October, 1844, many extensive tracts were purchased, over which the Crown's right of pre-emption had never been waived. The settlers, launching into speculations with a view to ulterior sales of land, were prone to neglect their legitimate pursuits. The natives were tempted to repeat again and again improvident sales of land of which they were "only part owners, and to which their titles were generally doubtful." He apprehended perpetual contest and warfare. In June, 1846, he notified that he would "not entertain or grant any application for waiving the Crown's right of pre-emption under Fitzroy's notice." He told the Secretary of State that he would propose to allow Europeans to purchase directly from the natives only on proof to the Government of the native title and payment to the Crown of a fee of fifteen shillings an acre. Larger tracts of land were claimed than Grey thought fit to grant. The limit of 2560 acres fixed by the Government had often been exceeded.

Missionaries claimed large tracts. The Rev. Mr. Kemp had six claims, amounting to 9276 acres. In 1842 and 1843 the Commissioners, Godfrey and Richmond, had awarded him 3638 acres, and Hobson and Shortland had confirmed the several awards. Subsequently the general rule had been laid down that "only a maximum grant of 2560 acres could be given to each individual for all claims." But Governor Fitzroy had reopened the cases of Mr. Kemp and others. A new Commissioner, R. A. Fitzgerald, had, in 1844, recommended that Mr. Kemp should receive a grant of the 9276 acres he had claimed, and to nine others he awarded larger tracts than the limit of 2560 acres would permit. Grey objected to these proceedings, and determined to issue no further grants of such a nature until instructed to do so. Earl Grey, in March, 1847, condemned the award of Fitzgerald on the ground that it was not competent for Fitzroy to reopen a claim decided by his predecessor. Governor Grey testified that the Bishop gave him invaluable assistance in settling the claims of missionaries to land. Writing in March, 1848, he commented on "the admirable exertions of our most excellent Bishop and his clergy, together with the numerous and admirable body of missionaries of different denominations."

Nevertheless he sternly resisted the claims of some of the missionaries to land which he denounced as "illegally acquired." The resolutions passed by the Church Mission Society in February, 1847, with regard to lands held by missionaries for their own use and benefit, have already been mentioned, and it is convenient to summarize the long correspondence which ensued. Governor Grey's opponents believed that he entered upon his crusade against Archdeacon Henry Williams and others because he had, after receiving a deputation from the company's friends at Wellington, desired to secure the goodwill of the company. It was asserted that the company feared that the large tracts held by missionary and other grantees near Auckland would incommode the operations of the company in the southern portions of the island. The company, though it had bought land from Maoris at nominal prices, depended for success upon selling it at not less than £1 an acre to the settlers. To be undersold at the north would mar its proceedings. Earl Grey, the reputed friend of the company, was in office, and his infamous Instructions proved how little he respected the plighted faith of the Crown. He might be pliable in the same manner with regard to grants made to the missionaries, whose influence the company instinctively dreaded. Whether the Governor was or was not consciously, or unconsciously, warped in the manner imputed to him, the belief that he was so warped imparted a tone to the subsequent proceedings. Henry Williams, in particular, comported himself throughout in such a manner as to show that while his character was impugned he would not abate one jot of his claims, although, if the imputations made against him and others in the "Blood and Treasure" despatch should be withdrawn, he would consent to any arrangement about the land claims of his family. Colonel Wakefield and his nephew had assailed his endeavours, in 1839, to prevent the company from inveigling the Maoris at Wanganui, and the false charge of self-seeking then hurled at him was now intensified by its apparent adoption by the Governor. Williams assented to an arrangement on behalf of his family, on condition that "the numerous and severe animadversions expressed or implied by his Excellency upon the past conduct of some of the missionaries be either fully established or fully and honourably withdrawn." The contention



was so hot and prolonged<sup>1</sup> that a statement of the facts is essential in any history of New Zealand.

When Earl Grey's despatch of February, 1847, reached the colony, with the resolutions of the parent Missionary Society of the same date, some qualms affected the Governor, who had not anticipated the publication of his confidential despatch. He told the Secretary of State that he was "very sensible of the incalculable benefits which some of the missionaries have conferred and may yet confer;" he thought it needful to explain that Earl Grey's regret that missionaries had "engaged in traffic under the ten shillings an acre and penny proclamations" was "an error into which your Lordship has inadvertently fallen. . . . I never heard that any of them had engaged in this traffic themselves, nor did I intend to bring such a charge against them." He limited his objection to the excess of grants beyond the 2560 acres permitted by the Land Sales Act. Williams averred that he claimed no such excess. He produced an official letter written by him in 1840, enumerating his eleven children, for whose use and benefit the purchases were made. His own name appeared in the deed of conveyance from the Maoris as the head of the family, yet he not only made no excessive claim, but on receipt of the Society's resolutions of February, 1847, he offered to waive his personal claim so that the whole of the land might be conveyed to his children under the necessary Crown grant. The proposal was not adopted. The Bishop objected on one ground and the Governor on another. The latter impugned the validity of the grants *ab initio*. To the Society Williams wrote that he saw no difficulty in complying with their wish. The land had been procured for his children. He had no desire to refer to the Governor and the Bishop any question "as to any portion of land *for his own use and benefit*, having never entertained any desire for such possession." The Governor declined

<sup>1</sup> The case of the enemies of the missionaries is contained in the numerous works published by the friends of the company. That of the missionaries may be found ably stated in 'A Page from the History of New Zealand,' by Metoikos (Auckland, 1854), and the 'Life of Henry Williams' (2 vols. 1874 and 1877, Auckland), both by the same accomplished author, Hugh Carleton, for many years a public man in New Zealand. In the 'Life of Bishop Selwyn' (London, 1879), no facts are stated on which a judgment can be formed.

to act in conjunction with the Bishop in determining the claims. He was ready to make the grants to which the missionaries were entitled by law, *i. e.* 2560 acres, which might be selected from the total block claimed, reserving lands which "natives may now justly claim, or which may be required for the use of the natives or for public purposes." He did not abandon his insinuation that the war with Heke was caused by the grants sanctioned by Fitzroy. His allegation<sup>1</sup> that the war broke out "shortly after the issue of the grants" might have made the war appear consequent upon any one of a thousand occurrences. The House of Commons' report of 1844 had been at once shrunk from by the wise Sir George Gipps and others as likely to produce war, and Heke himself had declared his reasons. Moreover, keenly observant of the Maori mind, Grey had not reinstated the flag at Kororarika after the war was over.

Henry Williams, in August, 1847, for himself and others, asked officially whether any missionary or son of a missionary had ever asked for aid in obtaining possession of land claimed, whether the recent military movements were in any way connected with such claims, whether during the war any missionary or son of a missionary had been dispossessed or disturbed by the Maoris, and whether any complaint against a missionary or son of a missionary had been preferred to the Government by a Maori. To these questions the Governor vouchsafed no answer, but he sent them to the Bishop, saying: "Not that I wish to impose upon your Lordship the trouble of even reading this letter if you do not desire it, much less of expressing any opinion upon it." He requested the Bishop to recommend the missionaries to accept the grants of 2560 acres, and "then voluntarily restore the surplus land to the original owners or to their heirs," or to adopt some similar course. He promised that if they would do so they would find no more zealous friend than himself, and hoped they would bear in mind that he was "not responsible for any remark which may result from the publication of (his) private despatch of 25th June, 1846." Writing to Earl Grey the Governor complained bitterly that his confidential despatch communicated by the Earl to the Society in London had, in some

<sup>1</sup> Despatch to Secretary of State, 2nd August, 1847. P. P. 1848. Vol. xxxviii. p. 110.

unexplained manner, been "communicated to the editor of a violent newspaper," and that its publication (in August, 1847,) in Auckland had been highly injurious, and had subjected both the Earl and himself to "unjust aspersions."

Earl Grey proposed a hasty course, which the Governor wisely evaded. The latter, writing on the general condition of affairs (No. 106, 17th October, 1846), had said they were satisfactory, "with the exception of the line of conduct pursued by certain ill-disposed Europeans. I do not, however, much regard in a public point of view the proceedings of these individuals, as I have no doubt that I shall be able to prevent their machinations from producing any serious results; nevertheless, in a personal point of view, I have never on any previous occasion in my life been so uncomfortably situated." There was no reference to the missionaries in the despatch, but its vagueness and the gnarled nature of Earl Grey allowed him to assume the culpability of those who opposed his schemes in 1844. He (February, 1847) regretted that the Governor had "cause to bring such serious charges against any portion of the European population, and especially against some of the missionaries. I fear that you will not be able to obtain legal evidence of the treasonable conduct which you impute to some of those persons, but if you should succeed in obtaining such evidence I trust that you will not fail to bring the culprits to justice." It would have been as reasonable to prosecute the Prince Consort for disloyalty as the missionaries for treason, and the Governor explained that they were not obnoxious to Earl Grey's charges, and eulogized the missionaries of all denominations as "an admirable body." But he pursued his scheme for abasing those who would not submit to his dictation, and in an evil hour the Bishop accepted the invidious task, which, so long as character was in question, arrayed the uncompromising Henry Williams against his diocesan, who had only a short time before appealed to him for aid in demanding justice for the Maori.

He wrote to his missionary brethren. He vindicated his own sincerity by quoting a confidential letter, in which he had in 1843 informed the Society that the purchases of the missionaries had "an injurious effect upon the minds of the natives and the English settlers." He had in 1845 protested against grants

which would infringe the Society's rules, and Captain Fitzroy had declined, as Civil Governor, to "make distinctions between the various land claimants," or make himself the lay representative of the Society in New Zealand "for the management of its secular affairs." He begged the missionaries to dismiss from their minds the despatch accusing them of a readiness to sacrifice "British blood and money" in order to be unjustly put in possession of tracts of land. He eloquently entreated them to "forgive and to forget every attack upon you which may have seemed unjust." He neutralized his labour for peace by saying that the land purchases of the missionaries had created jealousies, affected the character of the Society, and alienated Maori affections. "All this I will undertake to prove if it should ever be necessary; but I earnestly desire to be spared the painful duty by your quiet acquiescence in the Governor's proposal. A guilty man might have been awed by threats; an innocent man could not close with such an offer. Henry Williams replied roundly that he would abide strictly by the Society's resolution. "I did never purpose to retain any portion of the said purchases for my own private use and benefit, of which your Lordship is fully aware . . . for myself I have not received one shilling" from the proceeds of the farm. A long dispute ensued as to the construction of the resolutions and letters of the Society. Williams consented to abide by the Bishop's construction, on condition that the Governor's charges "be either fully established, or fully and honourably withdrawn. Should these painful difficulties be removed, I shall then be ready to accede to any proposition, however opposed to my own judgment, as to the reading of the Society's letter of March 1st, 1847." Another member of the body, the late Chief Protector, Clarke, consented with a different condition. If it could be shown that his retention of land exceeding 2560 acres would tend in any way to embarrass the Government, he would surrender his grant, "provided always that the land over and above the 2560 acres may be made over by me to the Church of England for the education of the natives." A third, Mr. Kemp, volunteered in like manner on condition that the surplus land should be appropriated for the benefit of the natives. With strange inconsistency the Governor informed Clarke that his proposal

to benefit the Maoris could not be entertained. There was conference between the Governor, the Bishop, and Archdeacon Brown and William Williams. The Bishop requested W. Williams to obtain specific questions, the replies to which might satisfy the wounded feelings of Henry Williams.

They were presented as follows, with the approval of Brown and W. Williams:—1. Does his Excellency disclaim having intentionally cast any reflection which may appear to have been expressed or implied upon the past conduct of some of the missionaries during his Excellency's administration of New Zealand save only in the question of these purchases of land; and will his Excellency admit that this is an open question, and one upon which there is a variety of opinions as to the propriety of the missionaries making provision for their families? 2. Does his Excellency admit that these lands purchased by the missionaries were so purchased in strict integrity and honesty towards the aborigines, as reported upon by Her Majesty's Land Commissioners appointed for the examination of the same? 3. Does his Excellency admit that he is of opinion that the late military movements in the north were not in any respect connected with the missionaries? 4. And will his Excellency further admit that he is not aware that the missionaries or their sons were put out of possession of their lands by the aborigines, but that he believes they remained in quiet possession of their lands during the late wars in the north?

The Bishop objected to the form of the questions, and after an interview with the Governor proposed the following substitutes:—1. Whether his Excellency will have any objection to state that he is not aware of any treasonable or disloyal practices in which any missionary or child of a missionary has been engaged during his Excellency's administration as Governor of New Zealand. 2. Whether the chief matters in which his Excellency may have expressed an opinion adverse to the missionaries may not be connected with the political objections to the acts and counsels of the late Protector of the aborigines, and not to the missionary body in general. 3. Whether his Excellency would feel at liberty to state that neither the report of Her Majesty's Land Commissioners, nor any other public inquiry, justifies the belief that the original purchases of the

missionaries were fraudulent or dishonest. 4. Whether his Excellency will state that no missionary, or child of a missionary, has ever applied for military protection, but that to the extent of his observation they have remained in quiet possession of the land.

The Bishop approved of the substituted questions; Archdeacon William Williams objected to the second clause; Clarke, the late Protector, wrote, as was natural, "I disapprove of the second clause." Henry Williams was not requested to approve, but condemned the resolutions when he saw them. To make general charges of base conduct, and to declare that they did not apply to a limited time, was to leave them as offensive as before. To say that sweeping charges against a whole body might have been connected with the political acts of one of them, was pointedly to condemn him without generosity or justice to the others. To declare that no public inquiry had justified the charges, and not to withdraw them, was to imply that they were well founded. The alteration of the fourth question was hardly worth making, unless the qualification "as to the extent of the Governor's observation" was intended to permit the question to be raised again. William Williams withdrew from the conference. The Bishop called on Henry Williams unconditionally to surrender his Crown grants. He declined to do so. There was lengthy correspondence, having for its object on one side to show that the Archdeacon was retreating from his offer to surrender his Crown grants, and on the other to prove that the offer was conditional upon the "substantiation or retractation" of the imputations against the character of the archdeacon. The Governor's chagrin was not lessened when it was found that the grants promised by Fitzroy had in fact been signed by Grey himself before he entered upon his crusade against the grantees. But he persevered. He had intimated to the Bishop, when he appealed for his co-operation (in August, 1847), that failing other measures he should be compelled "to take immediate measures for having the grants set aside (as illegal) by the civil courts of the country," though he feared such a step might injure the mission, and perhaps Christianity. September had been passed in vain negotiations. The Archdeacon was told that the Governor had informed some

Maoris that the missionaries had improperly obtained their lands. Henry Williams had begun life in the navy, and was still militant. Indignant at an effort to destroy his reputation amongst the disciples he had trained for a quarter of a century, he wrote vehemently to the Bishop (30th Sept.): "I have no land, nor desire to possess any but the grave. I must request that your Lordship will never again name the subject of land to me. It is a reproach and offence to me, and will be injurious to both. . . . I see that no faith is to be kept with Governor Grey." Unless the Bishop bestirred himself to resist evil—"we shall have much mischief ere long, and the remedy come too late." On the same day the Bishop appealed to the Archdeacon to comply with his promise to accede to any proposition made by the Bishop; but he omitted to cite the unfulfilled condition on which the promise was based. He entreated the Archdeacon to resign his deeds into the hands of some neutral party, and accept the mediation of William Williams, Archdeacon Brown, and the Bishop. The sturdy Archdeacon recoiled from the suggestion that he would not surrender his deeds in conformity with a promise, and he returned no answer. Some confusion was afterwards created by the fact that at a later date the Archdeacon's vehement letter was quoted as if it had been written on the 1st October, and was an inept reply to the Bishop's, whereas both letters were written on 30th September, though neither reached its destination until the following day. The Archdeacon's "style and tone" were censured by the Society in England, and regretted by many of his friends. He returned to Paihia, where he was comforted by a long letter from Waka Nene, his fellow-labourer in persuading the Maoris to accept the treaty of Waitangi. The old chief declared that the purchases of the missionaries were honourably acquired. "Let not your heart be dark, as if it were a saying of mine that it is through the missionaries the land is gone." The war had not arisen from the purchases. "If they had fought for their lands I would not have fought against them; but their fighting was wrong." The Archdeacon answered that he did not believe such an untruth as his "old friend" repudiated. He did not relax his efforts to avert the danger with which Earl Grey's Instructions threatened the land. In December, 1847, he justified his



interference on the ground of the prominent part he had taken in procuring the treaty of Waitangi. "Earl Grey's despatch strikes at the very root of life and liberty of the aborigines. . . . Let them be once persuaded of the correctness of the reports they have heard recently of Earl Grey's despatch, and I do not hesitate to assure your Excellency, after a residence of twenty-five years in this country, that the whole island will be actuated by one patriotic feeling of resistance." The Governor rejected advice from such a source. He converted its offer into an occasion for rebuking the missionaries, and for lauding Earl Grey with audacious disingenuousness. He caused the Archdeacon to be informed that his Excellency has "not seen any instructions of Earl Grey's which direct that the lands of the natives should be taken from them; and the Governor attributes a great deal of the ill feeling of the natives in the north to the large land claims of some of the missionaries, who his Excellency had hoped would have assisted in the adjustment of them."

The Archdeacon in a fiery letter quoted a saying of Waka Nene, who, when told that he had made insinuations against the missionaries, answered, "The Pakeha are a very lying people." He reminded the Governor that he had on the 16th August, 1847, declared, with reference to Grey's confidential despatch: "I am authorized to say that the missionaries and their children shrink with horror from such a charge, and are prepared to relinquish their claims altogether, upon its being shown that their claims would render the possibility of such an awful circumstance as the shedding of one drop of human blood." His letters were published. The Governor reported that the publication was injurious, and that some of the charges made by the Archdeacon were "extremely untrue," and would "certainly obtain for the Government the hatred of the native population, and will probably lay the ground-work for future disasters, which will then probably be attributed to the Government, instead of to the proper cause." About the same time the Governor laboured to prove to Earl Grey, as he vainly endeavoured to convince men in New Zealand, that the despatches of the Earl were consistent with good faith. "I distinctly understood those expressions which have been objected to (by

the Bishop, the Chief Justice, and others), as not being intended by you to be applicable to the present state of New Zealand. . . . I felt it my duty to refrain from admitting that the tenor of your Lordship's instructions was such as they maintained; and I would not state that the local government would not act in any manner opposed to the principles of equity and justice, because such a statement on my part would have been an admission that I had received instructions of such a nature from your Lordship." Earl Grey had the audacity in November, 1848, to say that the Governor's despatch entirely confirmed his own views. As to Archdeacon Williams, a decisive course was taken. Earl Grey obtained from the Mission Society a resolution declaring the publication of controversial political papers "utterly inconsistent with the character of a missionary."

Meanwhile, the Governor had instituted legal proceedings by *scire facias* against the missionary grantees. The first case tried was that of the ex-Protector Clarke. Fitzroy had on 16th May, 1844, granted 5500 acres to Clarke, some of which had been purchased before proclamation of the Queen's sovereignty. Under the Land Ordinance of 9th June, 1841, Clarke's claim was referred to the Commissioners Godfrey and Richmond, who on the 13th May, 1841, reported that 2560 acres ought to be granted. Their report was confirmed by Acting Governor Shortland in June, 1843; but Fitzroy, nevertheless, in 1844, having referred the matter to a Commissioner, Fitzgerald, and received a report favourable to Clarke, made the grants, which by Governor Grey's direction were disputed as contrary to the report of the Commissioners, and in excess of the quantity which could be granted by a Governor, except on the recommendation of the Commissioners. The Ordinance of 9th June, 1841, restricted grants to 2560 acres; but a later Ordinance repealed the restriction (September 2, No. 14, 1842). The later Ordinance was not allowed by the Queen. The Supreme Court in New Zealand gave judgment for Clarke (24th June, 1848, though the case was not argued on Clarke's behalf), on the grounds that the Governor exercised the Royal Prerogative in granting lands; that its exercise could only be restrained by express words, and that a departure from the spirit of the Ordinance could not invalidate a grant in the absence

of any false suggestion by the grantee. The New Zealand Government appealed, and as the respondent did not appear, the Privy Council heard an *ex parte* case, and decided in favour of the Crown. The Governor was held to have exceeded his powers, which were limited by his commission and instructions, and by the Ordinance on which the Crown relied, the amending Ordinance never having been allowed by the Queen. The judgment was delivered on the 15th May, 1851, and Grey was for a time triumphant over the technically erroneous acts of his predecessor. He had in the mean time acted on the spot.

In another case (the Queen *versus* Taylor), the Supreme Court of New Zealand attributed validity to a Governor's grants, although made in opposition to the Land Claims Commissioners' report, and though otherwise abounding in irregularity. The judgment was delivered in July, 1849. In August the Governor summoned his Council, and laid before them a Draft Bill for quieting titles to land in the province. It accepted the decision of the Supreme Court, and gave validity to all grants made on behalf of the Crown by the Governor under the public seal of the colony. The speech of Swainson (the Attorney-General), warmly supporting the second reading, appears in parliamentary papers. The measure was passed on the 25th August, and in 1850 was allowed by the Queen. Earl Grey highly complimented the Governor on his conduct in allaying doubts by settling the titles rather than disputing them further.

It was fortunate that the New Zealand titles were secured by the Ordinance thus passed, for a subsequent appeal from South Australia, which was argued before the Privy Council, qualified the decision against Clarke. The case of *Reg. v. Clarke* was relied upon by one side "as an express decision that *scire facias* will lie although there is no record." Lord Chelmsford, on the case argued in 1866, declared that such reliance was erroneous. "From the beginning to the end in that case, there was nothing to raise any doubt as to the propriety of the proceeding by *scire facias*. No objection was taken to it in the colony (where the case was undefended). Not the slightest suggestion was offered upon the subject in the course of the argument upon the appeal. The hearing before the Judicial Committee was *ex parte*, the

respondent not having appeared, and the attention of their Lordships was not in any way called to the irregularity of the proceeding, in the validity of which they are supposed by their silence to have acquiesced." The conclusion of the case shows through what intricate paths a Governor of a colony, responsible to the Crown, may have to walk. When the decision was given in the Colonial Court in 1848, Henry Williams, relieved from suspicion that he could be influenced by sordid motives, appealed to Earl Grey to order an investigation of the charges made against the missionaries. Earl Grey refused, on the ground that to grant an inquiry would be an affront to the Governor. Other troubles which beset Williams and his friends may be postponed,<sup>1</sup> in order to follow now the course of public events with regard to lands.

The validity of Governor Fitzroy's penny an acre proclamation was tested on demurrer in the law courts. A grant from the Crown to another person was impeached by one McIntosh on the ground that he, by a certificate from Fitzroy waiving the Crown pre-emptive right in his favour, had acquired a valid prior title. Chief Justice Martin and Mr. Justice Chapman pronounced against McIntosh on various grounds. They dealt with the bare legal question, and declared him simply a purchaser from the natives without authority or confirmation from the Crown. The certificate was not a waiver, but only evidence that a waiver had been made; and the Governor had not authority to make an effective waiver opposed to the Royal Instructions, and to the Act of Parliament in force when the certificate was issued. Governor Grey was thus released in 1847 from Fitzroy's proclamation of October, 1844. In 1846 Grey had passed a law to prevent, by summary proceeding, unauthorized purchases or leases of land. Offences against the law were punishable by a fine not exceeding £100, and persistence in occupation after conviction was similarly dealt with. Fitzroy's action had been reluctantly sanctioned by Lord Stanley with the proviso that sales already made under the penny an acre proclamation were to be recognized, but that as the proclamation and its predecessor were plainly in excess of the Governor's power, the Government was not to be pledged

<sup>1</sup> Appendix A.

to a continuance of their efficacy. The orders were disallowed, but acts done under them before their disallowance were to be respected, so long as claimants under them had strictly complied with their conditions. The Governor reported that some of the claimants had by their purchases supplied the means of warfare to the Maoris in arms against the Queen, and against them Earl Grey instructed him to be peremptory in refusing to comply with their claims, "anticipating that the result would be" that very few purchases would be established. There were passages in Earl Grey's despatches from obedience to which the Governor apprehended evil consequences, and he did not hesitate to depart from them. He required land, for roads and public purposes, with which the grants, which were capable of being established, would have interfered. Consulting Swainson, the Attorney-General, he made arrangements. He allowed no claim under the penny an acre proclamation in excess of 500 acres; he reserved lands for roads and for public purposes, giving, in the latter case, compensation in land to those whom he dispossessed. He rapidly disposed of all the most pressing claims without waiting for the approval of the Secretary of State, who, in July, 1848, replied: "Relying on the prudence, judgment, and ability which have distinguished your general administration, I have not hesitated to advise Her Majesty to sanction the issue of the Crown titles which you have given to the claimants."

The circumstances under which territory at Otago was purchased as a field for the operations of the New Zealand Company have been mentioned. In May, 1845, an Otago Association was formed at Glasgow to found a special settlement for Scotchmen. Gibbon Wakefield declared that the New Zealand Company "intimately co-operated with the General Assembly of the Free Church of Scotland" in founding the new settlement. But there was trouble. In August, 1845, Lord Stanley smoothed the way by instructing the Governor to waive for the present the Crown's right of pre-emption of native lands, and grant 400,000 acres to the New Zealand Company at Otago. The Governor obeyed. In November, 1847, Captain Cargill sailed in the 'John Wickliff' as leader of the new pilgrims, and pitched his tent in March, 1848, on the land

where the Otago Association had bought from the company 400,000 acres. Even a Scotch settlement was incapable of prosperity without other national elements on which to work. The association were unable to fulfil their functions; some of their own settlers petitioned in 1851 that no charter might be granted; and the Governor was informed in 1852 that the legal control devolved upon the Crown because of the inability of the association to "sell the stipulated quantity of land." The settlers deemed the Governor hostile to them, and petitioned the Queen in January, 1852. Under the Constitution Act provision was made for a charter, and they applied for it. They said that they had a Mechanics' Institution, a Property Investment Company, an Agricultural Association, and a bank with a subscribed capital of £7500. There had been no civil or criminal business before their Supreme Court, and they thought the expenditure (£800) for the judge and other expenses totally unsuitable. They wished for the charter to which Earl Grey had acceded. Their Coryphæus, Cargill, had been a captain in the 74th Regiment, and they seemed to trust in his judicial capacity. They were only fifteen hundred in number. In November, 1852, Sir John Pakington (Secretary of State) declined to grant the charter. He thought it unadvisable to make Otago an exceptional province with regard to administration of lands, and he remitted the subject with confidence to the General Legislature created under the Constitution Act.

The Otago Association characteristically asked permission to continue their operations in Edinburgh for a few months. They were under obligations for salaries and office rent until May, 1853, and they wished to obtain value for their money. To this prudent proposal Sir J. Pakington assented. A plan to form a Canterbury settlement consisting of members of the Church of England was mooted before the disturbances at the Bay of Islands engrossed attention. The Wairarapa Valley was considered a fitting site. After delays, caused partly by the aspect of native affairs, a prospectus for the formation of the settlement was issued in 1848. Archbishops, bishops, and members of parliament, abounded in the Canterbury Association. Lord Lyttleton corresponded on their behalf with Earl Grey. They asked for a million of acres at the Wairarapa Valley or

elsewhere. The New Zealand Company, still generally guided by the genius of Gibbon Wakefield, though groaning under financial difficulties, adopted the new scheme. The company, through its secretary, Mr. Harington, corresponded with the Colonial Office and with the acting secretary of the association, Mr. John Robert Godley. In January, 1850, a charter was obtained in which the honoured name of the Archbishop of Dublin (Whately) appeared as the leader of the Queen's loving subjects desirous to found "a settlement of colonists wholly members of the Church of England." Canterbury pilgrims began to move. A bishop's staff gave sanction on one hand, and Gibbon Wakefield descanted on the vigour of religious organization as an incentive to immigration of the better order of people, and especially the better order of women "to live and die in a colony." The site, Port Cooper, had been selected and approved in 1849. Some of the pilgrims reached their destination in 1850. There were supposed to be no difficulties as to land titles. Mr. Walter Mantell had done much to quiet them in the Middle Island before the Canterbury settlement was formed. Christchurch was chosen as the name of the capital; Lyttleton for the sea-port, in the North of Bank's Peninsula, once coveted by the French. The Church arrangements made under such august patronage were never completed. Bishop Selwyn resigned so much of his New Zealand See as was deemed requisite; but legal doubts arose. Parliament passed an Act (15 and 16 Vict. cap. 88) to give validity to the Bishop's resignation; but the course of affairs was not smooth. The new Bishop designate returned to England, and other personages fled from a scene which was neither so Arcadian nor so profitable as they had anticipated. In one respect the Canterbury settlement was more successful than that at Otago. It obtained a charter in November, 1849, and in August, 1850, an Act of Parliament defined the terms on which land was to be sold—rural at not less than £3 an acre, and town allotments at not less than £12 for a quarter of an acre. One-sixth of the land fund was to be paid to the Crown instead of to the New Zealand Company (then defunct). The remainder by the conditions of the Association was appropriated thus: two-sixths to ecclesiastical and educational purposes, two-sixths to



immigration, and one-sixth to surveys and other expenses. But though it survived the New Zealand Company, the Canterbury Association was unable to pay the amount (one-sixth) exacted by law on the disposal of lands. In December, 1852, Sir John Pakington intimated that their power to dispose of land had ceased, and a few days later, his successor, the Duke of Newcastle, gave formal notice to the same effect. To the Governor, Sir G. Grey, was delegated the power to deal with the subject until, under the New Constitution Act, the General Assembly might legislate.

The name of John Robert Godley deserves more than passing allusion. Born in Ireland, he was educated at Harrow and Oxford. He published letters from America which attracted attention. He urged the Government to avert the evils of famine from his native land by a generous and united effort to convey a million of the starving Irish to Canada. Failing in this scheme he devoted himself to local duties in his county, and was defeated in a contest for a seat in Parliament. Familiar with Gibbon Wakefield's writings, he came into contact with the man, and over Godley, as over so many others, a glamour was thrown by Wakefield's genius. Thus was the Canterbury Association first founded, and Godley's hand promoted its formation. Articles in newspapers, ready weapons in Wakefield's armoury, flowed from the pen of Godley. An agent had already been sent to New Zealand, and the Canterbury block (1,000,000 acres originally, but increased afterwards to 2,400,000) had been asked for by a local agent and allotted by Governor Grey at Port Cooper, when, in 1849, symptoms of decline alarmed the numerous friends of Godley. Emigrants were about to sail for the new land, and he determined to go thither to prepare the way for them. Before he sailed he wrote a public letter to Mr. Gladstone, upbraiding, in vigorous terms, the Colonial Office, upon which he heaped the contumely to which it was accustomed from the pen of Charles Buller. The judgment of Godley was ever surpassed by the warmth of his heart. He had not long been in New Zealand before he found that the company which he cursed the Colonial Office for curbing might often have deserved censure. He railed at the model Canterbury Association as exercising pernicious influence,

and tendered his resignation in the middle of 1851. When he arrived in New Zealand, he found himself nerveless. The association had exhausted its funds. The local agent at the town, Lyttleton, had overdrawn his credits. Godley stopped the current expenditure, and went at once to Wellington, where he threw himself with ardour into the political opposition which Mr. Fox and others had organized, under the name of a Settlers' Constitutional Association, against Sir George Grey. Some persons thought it unbecoming in the agent of one settlement to constitute himself a violent agitator in another; but the amiable character of the man extenuated his conduct. He returned to Lyttleton before the immigrants arrived there in December, 1850. He designed the town of Canterbury and practically governed the community. The pastoral regulations of the association were in his opinion unwise, and he ventured to abolish them in favour of propositions of his own, for which he was prudent enough to seek, and fortunate in obtaining, the assent of a "Land Purchasers' Society." Mr. J. E. Fitzgerald moved the resolution which pledged the Society. Confidence was restored. Capital flowed to Canterbury from Australia. Tracts of land were by the new regulations leased to persons who, not being purchasers, would have been debarred by the regulations which were set aside; and in the opinion of the friends of Godley he had averted immediate ruin. His troubles with the still lingering French claims at Akaroa need not be dwelt upon. His difference of opinion from the association in England made his post irksome. He told it (March, 1851) that local prosperity was incompatible with its rule, and that only by the "wisdom and considerateness of Sir George Grey, who has hitherto practically given to its officers nearly the whole administration of public affairs," had work been made possible. His former friend Gibbon Wakefield (he said in a private letter) "out-Heroded Herod in the outrageous virulence of his abuse." The introduction of a New Zealand Constitution Bill in Parliament stayed his resignation but not his political activity. When Sir John Pakington succeeded in carrying that Bill, Godley, though pressed to become superintendent of the new province of Canterbury, conceived that his work was done, and retired from the scene. His political friends were in office

when he reached England, and with them by a strange process of exfoliation was ranked Mr. Gladstone, from whom, ere long, he accepted a post in the public service. In various offices he laboured with credit till his death. The Canterbury Association ever respected him, and after they had, in 1856, succeeded in settling their claims upon the colony they held a festival at which he was present.

To keep the tottering association from the dust Lord Lyttleton, Sir John Simeon, and others, had advanced many thousands of pounds in its distress. Their claim for repayment was recognized by the province of Canterbury. Mr. Godley, endeared to the association by the charms of personal character, gratefully declared that sacrifices had been made on public grounds to support a scheme upon which many had embarked through friendship to himself, "challenged the world for a precedent and analogy of the case," and sang the praises of Canterbury where recent elections had returned members avowedly favourable to meeting justly the claims now paid. He never on any subsequent occasion failed to speak with affection of the province he had contributed to found, and he ever recorded his profound esteem for Mr. J. E. Fitzgerald, one of the first Canterbury settlers, who edited the 'Lyttleton Times,' a newspaper established immediately after the formation of the settlement, and had proved his consciousness of the moral dignity of his position, not only as an editor but in every public post he had held in the young colony. When Godley died the loving hand of Fitzgerald edited a 'Selection from the Writings and Speeches of John Robert Godley,'<sup>1</sup> as a fitting memorial of the worth of him who had passed away in the prime of life in 1861. The affection of a friend was not the only memorial. A statue by the sculptor Woolner stands before the Christchurch cathedral to show to the world what manner of man the Canterbury pilgrims had amongst them in the person of their idol, Godley. Even in their darkest hours the settlers had not blamed him for their reverses. Circumstances beyond his control had caused them. Advantages which he had a large share in procuring had lightened them. The immigrants were admittedly of a high order. The Wakefield system was more fairly

<sup>1</sup> Published at Christchurch, New Zealand, 1863.

adopted there than elsewhere, and to the end of their lives many of the pilgrims ascribed the later prosperity of Canterbury to the plan on which it was founded. Yet even there Wakefield's system was inadequately tested. Its fruit could only be ripened by enforced results, and results could hardly be enforced when, within easy reach of the hungerer for land, it might be bought for a less price than was demanded at Canterbury. Nevertheless, in spite of all drawbacks the inhabitants were to prosper under even a distorted application of Wakefield's principles.

It may be convenient here to record the expiry of the New Zealand Company, the nursing-mother of so many separate communities in New Zealand. The conflict or supposed conflict of interests led to some singular consequences in those communities. At Wellington the company had fixed the price to be paid by settlers for land at £1 per acre, of which one-half was deemed the intrinsic value, and the other was looked upon as a return for advantages conferred by the company in importing labour and providing for other needs. They subsequently raised the price to £2. At Nelson the sum was raised to £1 10s., at Otago to £2, and at Canterbury we have seen that it was originally £3,—the enhanced price being deemed in each case compensated for by special advantages, in religious, educational, and other provisions.

The financial difficulties of the New Zealand Company were to bring about its downfall soon after the Canterbury pilgrims reached New Zealand. The Canterbury Association could not pay the company for land and defray its own expenses; the company, maugre its able advocates and powerful friends, was, on the 4th July, 1850, compelled to give official notice of surrender of its charters and all its claims to land in New Zealand. The negotiations of 1847 worked out by Charles Buller were abortive. His active brain ceased to throb in 1848, and he saw not the failure of his schemes. The forfeiture provided by the statute (10 and 11 Victoria, cap. 112) which authorized a loan to the company, was the only solution available. The promoters clung to a hope of reimbursement for some of their losses, and consumed reams of paper in urging their claims. They had the audacity to urge that the withholding

of representative institutions was a restraint on wholesome immigration, and a cause of their financial failure. There was a debt of £268,370 to their shareholders, but it was secured, by the law, on proceeds of future land sales. For surrender of their land they thought their debts should also be paid. Of the 30,653,466 acres they enumerated as purchased, 28,000,000 had really been bought from the Maoris by the Government, between Wairau and Otago. The Government and the company referred the numerous knotty points involved to Mr. (afterwards Sir) J. G. S. Lefevre, distinguished at Cambridge and in the public service, and universally respected. The Lords of the Treasury were called in as a last resort. Meantime Earl Grey was besieged by friends of the Otago and Canterbury Associations, and promised to give them direct charters to supply any wants created by the annihilation of the New Zealand Company. With minute details history need not trouble itself further. The Government assumed responsibility, but instructed the Governor to consult, if he could, the desires of the colonists at Otago and at Canterbury in appointing magistrates and even judges.

An Act was passed in England (cap. 86; 7th August, 1851) to enable the Crown, through the Governor, to close and determine the affairs of all the company's settlements. The debt of £268,000 remained a charge for some years, and was finally wiped out after the passing of a local Act by the legislature of New Zealand. Many of the great men who initiated the company had passed away, but their lesser comrades received a return of their money with joy, and were profuse in self-laudation. In October, 1848, Governor Grey thought himself justified in reporting that, of all the land claims of the New Zealand Company, only the one at Taranaki remained unadjusted. If the undertakings on the part of the Government had been loyally adhered to in later days by himself and others, his boast might have been justified. Mr. Spain's appointment was so abruptly terminated by Governor Fitzroy that the Colonial Office was appealed to, and it was determined that Spain should be remunerated "to the date (September, 1846) of the last report which he furnished as Lands Claim Commissioner to the local government." It was felt that

impartiality could best be secured by employing a person of repute free from local prejudice, and in December, 1845, Lord Stanley informed the Governor that Lieut.-Col. McLeverty, 48th Regiment, having been appointed Deputy-Quarter-Master-General in the Australian Colonies, would proceed to New Zealand "for the purpose of undertaking the duty of giving his best assistance to the company in their selection of land, to aid in surveying the exterior boundaries of such selections, and to judge of the reasonableness of the terms of any purchase which the company may make from the natives with reference to the company's right to reimbursement in land in respect of money paid for such purchase." Colonel McLeverty rendered efficient service. He drew up an elaborate report upon Port Nicholson, where, in January, 1847, there were 489 adult Maoris and 144 children, with 639 acres in cultivation. The necessity was then, as in the time of Mr. Spain, to temper to the disinherited the wrong done to them by Colonel Wakefield which Governor Hobson, after Gipps' wise arrangements had been counteracted by Lord John Russell, had been able to mitigate by compensation, but not to remove.

It may be well to record in this place a proof furnished by the company's settlers as to the sagacity of Gipps. It is a fitting epitaph on the company and on Lord John Russell. In July, 1846, at a public meeting attended by "nearly every owner of land orders in Wellington,"<sup>1</sup> the failure of the company to fulfil the conditions to which they were pledged was bitterly denounced by Dr. Featherston, Mr. C. Clifford, and others. At a subsequent meeting, in September, an address to the Directors was adopted. It animadverted on the reckless disregard by the company of the interests of the settlers. The latter would have been wiser if they had closed with Sir G. Gipps' "arrangement which adopted the principle of acknowledging the claim of the individual settler, leaving to the Government the task of looking to the state of the accounts between the settler and the company. The effect would have been not only that we should have obtained Crown grants, but

<sup>1</sup> 'A Letter to the Directors of the New Zealand Company from the resident purchasers of land.' Wellington, New Zealand. Printed by R. Stokes, 'Spectator' Office: Te Aro.

would have been entitled to the protection of the Government; we would, in fact, have become the immediate charge of the Crown, instead of having been for six years the victims of the unhappy differences between the company and the Colonial Office. (Colonel Wakefield himself had, in his letter of February, 1841, lauded Gipps' proposal.) Such, gentlemen, were the fair prospects before us when you stepped in—set aside the arrangement fraught with so many advantages; and, consulting your own interests, entered into Lord John Russell's agreement of November, 1840, in which you not only upset the Crown titles assured to us by Sir G. Gipps, and insisted that our titles should be derived from the company alone, but also relieved the Government from all responsibility to us, and took upon yourselves the sole and entire liability to make good your contracts and engagements with your purchasers." Clause 12 of Lord John Russell's agreement disclaimed liability of the Crown for the company's contracts of sale which it was understood the company would "fulfil and carry into effect. How, after such a stipulation as this—how, after having thus over-ridden our arrangement with Sir G. Gipps . . . can you now deny your liability, and attempt to throw it upon the Government whom you have so expressly relieved from it? (We) claim from you compensation . . . every concession made to you has been made by the Government with a view to our relief, and Lord Stanley has declared in the most unequivocal manner that Her Majesty's Government was induced to grant the company the recent favourable terms chiefly, if not entirely, on account of our sufferings. . . . We claim not as a matter of favour but of right" to "throw up all the worthless land we have so unjustly been compelled to select; and that the Wairarapa and the other blocks . . . be purchased, surveyed, and thrown open for our selection. . . . We are smarting under a sense of wrong . . . we have been inexpressibly grieved, mortified, and surprised at the unaccountable determination so openly announced in your reply to Dr. Evans—your determination to repudiate your most solemn and sacred obligations."

It would have been better, perhaps, if these protesters had thought of other violations of good faith constantly shown by the company; but their protest is valuable as evidence



concerning the mischief wrought by Lord John Russell and the company. Fifty-five names were attached to it, and amongst them are those of Edward Daniell, J.P.; Charles (now Sir C.) Clifford; Mr. (now Sir) W. Fitzherbert; Dr. Featherston, and others more or less prominent at the time. It devolved upon the Governor to solve the difficulties complained of. The general in command in Australia, by removing from New Zealand all Colonel McLeverty's seniors, attached his time to military duties, and Earl Grey, by a despatch (23rd March, 1848), and the New Zealand Company, by their letters to Earl Grey in London, entrusted the Governor with uncontrolled power of deciding disputes. He arranged with Colonel Wakefield conditions for amicable settlement of the disputes with the Company's settlers. They had scarcely been determined upon when Colonel Wakefield died suddenly on the 19th September, 1848, though not before he had received a grateful record of the thanks of the settlers, amongst whom were F. A. Weld, H. W. Petre, C. Clifford, and others of note.

When reporting the conclusion of the arrangement at Wellington, and his regret at the death of Colonel Wakefield, who had always rendered him valuable assistance, the Governor stated that only the Taranaki questions remained to be adjusted; and if the undertakings made by the local authorities had been adhered to, his statement might have been borne out by facts. It may appear strange that he should so easily acquire titles where others had failed. His own sagacity, and his habit of working in concert with influential chiefs in matters relating to the Maoris, were his principal aids; for in those days the word of men in authority was trusted by the natives. But the prescience of Lord Stanley largely assisted him. Reviled as that nobleman was by the New Zealand Company for asserted neglect, he nevertheless strove to mitigate the evil consequences of their own blunders. At the very time in which they assailed, and Sir Robert Peel defended, him in the House of Commons, he wrote thus (28th June, 1845) to the Governor whom he had sent to New Zealand. He was aware "that the company might be unable, even with the indirect assistance to which I have already referred, . . . to obtain possession of lands to the full extent of those awarded to them ;

and with the view of meeting this possible contingency I have to authorize you as a last resource to afford yet more direct assistance to their agent. With this object Her Majesty's Government are willing to place at your disposal a credit to the extent of £10,000, which it is desirable that you should employ in the purchase of lands from the natives, in such districts suitable for the purposes of settlement as you may be able to obtain from them with their free consent. It would in our opinion be desirable that you should make these purchases, to the full extent of your credit, as nearly simultaneously as possible and in blocks of considerable extent, but that you should carefully avoid giving any previous intimation of the objects with which you make them. If the New Zealand Company should succeed, independently of those purchases, in obtaining their full amount of land, that which you may thus acquire will of course be brought into the market as you may judge expedient; and, after applying the profits of the sale to the purposes to which the proceeds of waste lands are applicable, you may continue to reinvest the original sum entrusted to you in similar purchases. If, however, you should be unable in any other way to satisfy the requirements of the company, you will consider yourself authorized, without admitting the validity of the construction put by them upon the engagement entered into by them with Lord John Russell, to apply the lands so purchased, or such portion of them as may be necessary, to make good the deficiency. Her Majesty's Government are induced to give you this discretionary power in the hope of facilitating the early and final adjustment of all questions arising out of the agreement of 1840, which as long as they remain unsettled cannot fail to be highly injurious to the prospects of the colony, and a source of continual embarrassment to yourself and to the Government. . . . The credit above-mentioned you will understand to be wholly distinct and in addition to that for which, as you will see by my separate financial despatch of this date, it is proposed to make application to Parliament." Armed with this singular power the Governor effected the purchase of the Middle Island and some portions of the Northern, and thought, in 1848, that no doubtful claim remained except at Taranaki.

Mr. H. T. Kemp was the Commissioner employed in 1848 to purchase what was substantially the Middle Island, viz., with the exception of the Kaikoura and east coast land negotiated for with the Ngatitoa, "one continuous block" from Nelson to Otago. The payment was to be £2000 in four equal instalments. Whakatipu Waitai (Milford Sound) was specially mentioned in the deed, which was signed by Taiaroa and others, and which reserved "our places of residence and our cultivations for us and our children after us; and it shall be for the Governor hereafter to set apart some portion for us when the land is surveyed by the surveyors." But it was soon found that many owners had not been consulted,<sup>1</sup> and Mr. Walter Mantell was in August, 1848, appointed a Commissioner for extinguishing native titles in the Middle Island. By promises of "more valuable recompense in schools, in hospitals for their sick, and in constant solicitude for their welfare and protection, I procured" (he wrote to the Secretary of State in 1856) "the cession of these lands for small cash payments. The Colonial Government has neglected to fulfil these promises." One plea by Sir Donald McLean for non-fulfilment was the enormous outlay which fulfilment would entail. He did not weigh the enormous wrong done to those who were defrauded. An instructive commentary on his morality may be found in the purchase of Stewart Island in 1864, by Mr. H. T. Clarke. More than 30,000,000 of acres had been obtained in the Middle Island. Stewart Island contained little more than 640,000 acres. But the Maoris demanded for it £6000, with reserves, and Clarke reported that

<sup>1</sup> The company's claims at Wanganui ought to have enabled Governor Grey to anticipate such a result. Spain had found that though the company had purchased 40,000 acres there, many natives were no parties to the alleged purchase. He wished to procure their sanction for a payment of £1000, which they refused. In 1846 the Governor found them more willing, and sent Mr. Symonds to conclude the matter, but (Despatch 24th June, 1846) "when Mr. Symonds recently proceeded to Wanganui a new tribe of claimants appeared who had wholly escaped notice. . . It appeared upon inquiry that their claim was a valid one, and was admitted to be good by the very natives who contracted to dispose of the land. (There could be) no doubt that any purchasers from the company (attempting to) take possession would have been expelled by the natives whose claims remained unsatisfied, and who apparently did not think it worth their while to come forward until the land was about to be occupied."

they rigidly insisted on certain provisions because "all promises of a like nature made by former Commissioners had never been fulfilled. . . . These unredeemed obligations on the part of the Government have been made a great obstacle in my negotiations with the natives for the purchase of Stewart's Island. They placed no faith in my promises of a like nature, and it was only by inserting the several stipulations in the text of the deed of cession that I was able to overcome the difficulty. In conclusion, I would respectfully (urge) that the Government lose no time in giving full effect (by schools, protecting care, &c.) to the promises, &c." <sup>1</sup> There were less difficulties in dealing with titles in the Middle Island than in the Northern, but the tribal rights were of the same order; the individual had only a separate usufruct of the plot he cultivated; and there was the same veneration for the burial-places of ancestry and kin. It was not until 1853 (although in 1848 he had thought all native claims there "conclusively set at rest") that, after long conferences with chiefs, the Governor was able to report that he had obtained the cession of the native rights in the northern and central parts. Donald McLean reported officially that nothing but an anxious desire to avail themselves of Grey's counsel would have induced the chiefs to cede their lands "even if they were hereafter offered a much higher remuneration." Bargaining for land is unworthy employment for a Governor, but in this case and at Wairarapa it might be pleaded that a whole territory was involved, and peace might be promoted by allaying doubts.

In September, 1853, Donald McLean reported that 560,000 acres had been secured at Wairarapa, "his Excellency having himself taken an active part in directing how the negotiation should be carried on." The Governor informed the Secretary of State of his "happiness" in completing the arrangement which had "given the most lively satisfaction to all the inhabitants of the province. . . . A considerable European population had in fact already occupied (the district) under agreements with the natives, illegal in themselves, and which were very likely to

<sup>1</sup> Mr. (now Sir) W. Fox was Colonial Secretary when Clarke's letter was received. He and their colleagues had tendered their resignation; and he only left a memorandum which "admitted the great length of time during which faith has failed to be kept," and the large debts due. He was in office as Premier, in 1869, and did nothing to pay them.

favour the cause of future disputes which might hereafter endanger the peace of the country." As to Maori titles in the Middle Island, for which he had agreed to pay £2000 in four annual instalments, he quaintly remarked that it was "as large an amount as they could profitably spend, or as was likely to be of any real benefit to them." Unfortunately he did not take the proper steps to secure the fulfilment of those promises which formed a part of the consideration when trifling cash payments were accepted from Mr. Kemp and Mr. Mantell. The ill-omened scene of the massacre at the Wairau was visited by him in 1847. "The natives were unwilling, from feelings of jealousy, to transact with the New Zealand Company's agent any business relating to the land which had previously been in dispute. . . . I found it necessary to take into my own hands the settlement . . ."

The reader will appreciate the pressure of affairs in New Zealand when he is reminded that about this time the publication of the Governor's confidential attack upon the missionaries, Earl Grey's infamous Instructions and the uproar they raised, together with the war at Wanganui, and the imprisonment of Rauparaha, divided his attention. Having arranged with the chiefs of Rauparaha's tribe, the Ngatitooa, for the cession of land at the Wairau, and certain reservations for the tribe, the Governor communicated the result to Colonel Wakefield, the company's principal agent, in March, 1847. That gentleman protested against it. "Payment of this sum (£3000), not to resident natives in actual enjoyment of the land, but to the very men who savagely murdered our countrymen now nearly four years ago, is tantamount to a declaration of the invalidity of that claim without investigating it, and therefore to a justification of the perpetrators of that dreadful tragedy." Colonel Wakefield was wrong in saying there had been no investigation. Mr. Spain's final report was conclusive.<sup>1</sup> The Governor told the Secretary of State, "that to have taken the waste lands I have now purchased by any other means than

<sup>1</sup> "I am compelled to state that I am not prepared to recommend that the district of the Wairau be included in the Crown grant. . . . I have come to the decision after much and careful deliberation . . . and I entertain no apprehension that a candid and impartial perusal of the evidence will ever lead to any other conclusion."—P. P. 1846. Vol. xxx. p. 41.

those I have adopted would at once have plunged the country into an expensive war, which from its supposed injustice would have roused the sympathies of a large portion of the native population against the British Government, and would thus probably have retarded for many years the settlement and civilization of the country. . . . To deprive the Maoris of their wild lands (over which they hunted and fished and gathered fern-root), and to limit them to lands for the purpose of cultivation, is in fact to cut off from them some of their most important means of subsistence, and they cannot be readily and abruptly forced into becoming a solely agricultural people. Such an attempt would be unjust, and it must for the present fail because the natives would not submit to it." The Governor's statement of these truths was utterly opposed to the speculative probabilities<sup>1</sup> which he had handled in defending Earl Grey's Instructions. But the times would not brook delay or honeyed words. Without the countenance of Te Whero Whero, Waka Nene, and the aid of the Ngatitoa and Ngatiawa chiefs, the Wanganui war could not be checked, and Earl Grey's Instructions were discarded in words, as they had been subtly discarded in practice. The noble Earl submitted to his fate. He laid before Parliament no despatch concerning it; and in his book on colonial policy there is no mention of his own Instructions or of the bold words with which in the hour of trial the Governor discarded them. But further negotiations ensued. A tract called Waitohi was coveted to redress defective boundaries. The Governor, in 1848, with Mr. F. D. Bell as agent for the New Zealand Company, went thither to induce the Maoris to abandon the Waitohi, which, the Governor reported, "the interests of the natives did not in any way require that they should retain." He succeeded, by pledging himself to "survey a native town, a new town at Waikawa for the residence of the natives for ever," and to build there "a wooden church, a place of prayer to our Saviour."

<sup>1</sup> "Et encore que le commandement du superieur soit juste, cela ne vous oblige pas de lui obéir; car il n'est past juste de tous points et en toutes manières, *non undequaque juste præcipit*, mais seulement probablement; et ainsi vous n'êtes engagé que probablement a lui obéir et vous en êtes probablement degagé: *probabiliter obligatus et probabiliter deobligatus*. 'On ne saurait trop estimer un si beau fruit de la double probabilité.'"—Pascal, 'Lettres Provinciales,' vi.

When Major Richmond went some months afterwards to cause the survey of the site selected by the chief Ropoama, he "found the natives so thoroughly conversant with the conditions attached to the sale" that he "had no difficulty in carrying them out to their entire satisfaction." Faith kept on one side creates faith on the other, and the enemies of the Maori have been unable to declare him dishonourable. Yet Colonel Wakefield's indignation at the recognition of Maori title at the Wairau where his brother had been slaughtered, could hardly be wondered at. When he died suddenly in September, 1848, he was succeeded by Mr. William Fox (provisionally suggested as a fit person by Wakefield himself in 1845), to whom Governor Grey had offered the post of Attorney-General for the southern province, and by whom it had been refused. Mr. Fox declined, or was unable, to maintain the good name of the company by paying the sums stipulated for by the Governor in purchasing land from the natives.

Aggrandizing power, and justly acquiring great influence, the Governor created many enemies by statements and insinuations made with or without cause. He was an adept at making a part appear the whole, and drawing conclusions which the whole would not justify. In the case of Archdeacon Williams he had triumphed, but it was nobler to suffer in such a cause than to conquer. In 1848 he charged the officers of the Protectorate with having, while paid by the Government to guard the Maori in land-selling, received presents for acting at the same time as private agents of Europeans in land-buying. He sent documents to England implicating Mr. Forsaith by name in such practices. Mr. Forsaith had quitted office, but was in Auckland, and was not consulted as to the charge thus made and laid before Parliament. False accusations in Blue Books sometimes escape notice, but Mr. Forsaith saw the imputation and demanded explanation. He denied the charge of acting as agent in the manner condemned. All necessary witnesses "are on the spot. I challenge all or any of them to come forward and prove that I assisted as a private agent to negotiate a purchase, or received in any shape whatsoever a fee or reward for so doing; and I am bold to assert the same for my colleagues in office at the time. I am confident that none of the Protectors of



aborigines are open to censure on this account. . . . By transmitting statements to Her Majesty's Government, in which I am charged by name with conduct so discreditable without giving me an opportunity of defending myself, or even acquainting me of the fact of such a charge having been made, his Excellency has treated me with great injustice. I regret it the more deeply not because I myself am likely to be permanently injured, but because the precision—a precision wearing almost the appearance of design—with which a false inference of a general character is conveyed and sought to be confirmed by statements which are true only in a particular and limited sense, must have a tendency to injure his Excellency, by fostering in the minds of many in this community a sentiment, which, I am sorry to say, is daily becoming more prevalent—that in framing despatches to the Secretary of State, his Excellency is influenced more by his views of expediency than by a simple love of truth.” He trusted that the Governor would “undeceive Earl Grey,” and apprise him that as regarded the Protectors the charges were “unfounded and unjust.” It is because even Governor Grey’s friends could not commend the style of some of his despatches, and rumours such as those alluded to by Mr. Forsaith were widely spread, that it has been necessary to narrate this occurrence. The Governor regretted that “the officers (who signed the documents transmitted to England) had “fallen into the mistake,” and “in the fullest and most complete sense” accepted the denial of the circumstance as far as Mr. Forsaith was concerned. Mr. Forsaith was not satisfied with an apology which left his late colleagues under a stigma. He obtained from the two persons who had furnished the inculpatory documents (sent to Earl Grey) written statements asserting absolutely that they never knew any Protector to act as private agent in the manner imputed, and he enclosed them in a letter from himself to Earl Grey, which the Governor forwarded, and which was laid before Parliament. Mr. Forsaith was determined that the “simple truth” should in this case be told in his own words rather than in the disingenuous style which public opinion charged upon the Governor. The Governor in this instance admitted his error, as regarded Mr. Forsaith, and requested Earl Grey “to give as extensive publicity to the correction as was given to the error

itself," but, as he did not confess any regret at the sweeping charges of the former despatch, and declined "to alter the views expressed" in it, he justified Mr. Forsaith's pertinacity, and confirmed the sentiment of which Mr. Forsaith regretted the prevalence.

We now approach a subject in which to secure, apparently, the goodwill of rapacious settlers at Taranaki, the Governor acted with mingled boldness, disingenuousness, and injustice towards Te Rangitake, the loyal friend whose authority was believed, if not known, to have saved Wellington from destruction in 1843. It will be remembered that, advised by those who understood the subject, Governor Fitzroy disallowed, as he had power to do, Mr. Spain's erroneous award at Taranaki. Had Governor Grey boldly adhered to Fitzroy's decision, it is possible that he might have precluded the war plunged into by another Governor in 1860. But he was smitten by a desire to distinguish his diplomacy in a difficult position. He was too well acquainted with Maori usages to imitate Spain's error by denying the abstract rights of the Ngatiawa absentees, of returning fugitives, and manumitted slaves. He would have forfeited respect among the great Maori chiefs who were his friends if he had openly denied them. Te Rangitake had been his effective supporter in the campaign against Rangihacata in 1846, and it would have seemed black ingratitude to repay him by resisting the resumption of his rights, whether tribal or as a chief, at his ancestral domains. Like his father, Te Rangitake had migrated southwards before the great defeat of the Ngatiawa at Pukerangiora in 1831 by Te Whero Whero, and it could not be alleged that his "mana" or position was tarnished by personal overthrow. It had been known from first to last that it was his settled resolve to return to the land of his fathers. The Governor determined to counteract by diplomacy what it would have been dangerous to deny openly. Unfortunately, Mr. Gladstone in July, 1846, tempted him by writing: "I indulge the hope that you may have found yourself in a condition to give effect to the award of Mr. Spain at Taranaki; . . . unless indeed, which I can hardly think probable, you may have seen reason to believe that the reversal of the Commissioner's judgment was a wise and just measure." Thus tempted

by his casuistical superior, while Rangihaeata was still at large, and Rauparaha was kept prisoner, and before the wounding of a chief preceded the Wanganui war, the Governor went to Taranaki in March, 1847, to dispose of the land disputes. He found that many of Te Rangitake's friends had preceded that chief, and they informed him that they would adhere to their hereditary tribal rights. Te Rangitake himself went with Grey, and has been accused of insolently insisting that he would return to his ancestral lands, and settle wheresoever he listed. In an evil moment Grey endeavoured to refine upon Captain Fitzroy's plain determination to respect the Ngatiawa rights. Referring to the decision by which Fitzroy had bought, and limited the claim of the settlers to, 3500 acres, he said: "I do not understand, nor can I think, that he intended that the original purchase (of the company) should be set aside in as far as those natives were concerned who had originally sold their land in a *bond fide* manner, and received payment for it." He must have known that the collective Maori ownership rendered it impossible for the natives with whom Barrett negotiated in 1840, to compromise the claims of the large majority whom Barrett did not see. He admitted that "the majority of the natives" he himself saw at Taranaki declared that they "would not upon any terms permit the Europeans to move beyond the block of 3500 acres." He told them that they had lands at Cook's Straits, and had in many cases suffered their rights to lapse by non-assertion; but, as was natural, they were deaf to arguments which were inconsistent with their own law, and were therefore barred by the treaty of Waitangi. One settler occupied fifty acres outside of the boundary fixed by Fitzroy. Him they would not disturb if proper compensation should be made. Asking how many persons were entitled to it, Grey was told that they were 200. "In fact it is quite clear that relying upon their great numerical superiority they had determined to allow no more Europeans to come amongst them." The settlers complained of the overbearing conduct of the Maoris. "I thought it proper therefore to assume a high tone, and to acquaint them that I intended ultimately to carry out the arrangement, the terms of which I would acquaint them with." The ineptitude of his plans ought to have been clear to himself, for he wrote

that the inability of the Maoris to adjust their own claims, "makes them unwilling to allow the land to be sold at all, and they constantly assert that those natives who wish to sell land have no right to dispose of it." It can hardly be imagined that the Governor was ignorant of the nature of the tribal right which justified the Maori assertion, yet on no other ground could his conduct be defended. But he resolved, rightly or wrongly, to make his will prevail. He informed the chiefs that he would make "most ample reserves for their present and future wants"—even of those having an *animus redeundi*—but that the remaining portion of the "country in that district should be resumed for the Crown and for the use of the Europeans." He would appoint a Commissioner to assess the value of the wild lands, and a Court to inquire into the native titles, so that "those natives who established valid claims" should receive corresponding payment.

There is a painful contrast between this determination and the bold and just words he used when writing a few weeks afterwards about the Wairau district in terms already quoted.<sup>1</sup> The Taranaki natives could have used no stronger arguments than those which the Governor was about to use elsewhere. They were unconvinced by his lawless reasoning. "But very few of them seemed disposed to assent to this arrangement; but they distinctly understood that it was my intention to enforce it. I trust that it may meet with your Lordship's approval as the best which could under circumstances of such difficulty be made . . . although I fear that the natives . . . may, if they think they are strong enough, endeavour to resist it by force of arms." He had no reason to apprehend any moral objection on the part of Earl Grey to an arrangement savouring so strongly of a violation of the treaty of Waitangi. The Governor reported that the remains of pāhs and cultivations still visible showed how densely the country had once been populated by the Ngātiawa, and to bar the "savage owners" from their former homes must have been one drop of sweetness in the bitter cup which Parliament had compelled Earl Grey to drink when it upheld the sacredness of treaties. It is sad to reflect that by declining to recognize at Taranaki the principles

<sup>1</sup> See page 497-8.

which he so solemnly pronounced it necessary to adhere to on the southern shore of Cook's Straits if an iniquitous and expensive war was to be avoided, Governor Grey made himself accessory to the unjust war of 1860. Yet, though "assuming a high tone," the Governor was prescient of danger. Te Rangitake's claims were acknowledged even by the Waikato tribes, which in Spain's opinion were paramount. Mr. Forsaith stated in the New Zealand Parliament that Te Pakaru, a Waikato chief who had taken part in the alleged conquest at Waitara, went thither, about 1842, to take possession, and commenced to clear timber in order to cultivate. Te Rangitake promptly sent an embassy from Waikanae to warn off the intruder, and "Te Pakaru, conscious that his position was not tenable, gave up the attempt and returned to Waikato." It is alike a blot upon Governor Grey's good faith, and a proof of want of judgment, that he strove to defeat the rights of a chief to whom, according to Rangihaeata, the defeat of the latter was mainly owing.

On the 5th March, 1847, Grey instructed Donald McLean, the Commissioner, "to make every effort to acquire for the European population" the whole of the land included in Mr. Spain's award, which Fitzroy had set aside. McLean was also to carry out the proposals sent to the Secretary of State by Grey, in order "to evade in as far as practicable the difficulties" caused by the fact that the Europeans clung to Spain's proposition, and the Maoris trusted to the Waitangi treaty and Fitzroy's decision. No time was to be lost. It was felt but not expressed that Te Rangitake might return, and his influence might defeat the project. The Government possessed a letter from him to Fitzroy in 1844, saying: "Waitara shall not be given up. Friend Governor, do you not love your land—England, the land of your fathers,—as we also love our land at Waitara?" When Grey had returned to Auckland, he wrote (27th April, 1847) urgently to Wellington. He heard that E Puni, always friendly to the English, was "putting together nine large canoes capable of holding about sixty persons each." He considered it of the utmost importance "that the Ngatiawa tribe should not be allowed to proceed for the present" to Taranaki. E Puni must be asked to dismantle the canoes. If he should refuse there would be ground for suspicion; "the canoes should be seized by the Government,

and either be retained in their possession until the land question at Taranaki is settled, or be destroyed, as may be thought most advisable."

Major Richmond, superintendent of the southern division, communicated with Captain Laye in order to arrest the re-migration. McLean laboured at his task. Major Richmond met Te Rangitake at Waikanae, in July, 1847. The chief said he intended to remain at Waitara, but "repudiated the idea of doing so by stealth or before consulting the Governor . . ." The Ngatiawa tribe had always been friendly to the Europeans, and desired to remain so. He and his brethren offered to sell their Waikanae possessions to the Government. On this hint the Governor offered fresh terms. If the Ngatiawa residing on the south bank of the Waitara river would within three years remove to the north bank, and Te Rangitake and his friends would agree to settle on the north of the river, he would recognize their titles there (although in Spain's reversed award land on the north was included as the company's property) without further inquiry, and would consent to purchase the proffered Waikanae lands "for such compensation as may be agreed upon." All pretensions to land on the south of the Waitara were to be relinquished by the tribe. McLean adopted the Governor's views. He seems to have been unable to comprehend the Maori law of *postliminium*, and had probably never heard of its Roman precursor. Yet in 1844, the chief Protector, Clarke, furnished a list of many instances to assure Captain Fitzroy that the return of natives "from captivity replaced them in the position they held before their captivity." McLean was therefore without excuse when he declared before the House of Representatives "that the Ngatiawa title had been superseded by the right of the conquerors." Moreover, almost in the same breath he admitted that some returning Ngatiawa sold lands at Taranaki, sending a portion of the price to the Waikato tribe as a tribute to their "mana." Nay, more,—a deed negotiated by McLean in April, 1848, purported to convey the rights of certain absentee natives to the Fitzroy and Grey blocks at Taranaki, and proved that at that date neither McLean nor the Governor denied the rights of absentees. Te Rangitake did not accept the new proposals. The Government

purchased for about £390 what was called the Grey block of nearly 10,000 acres at Taranaki, before McLean, hearing that the chief was in earnest, saw him at Kapiti, and told him that Waitara was under offer to the Government. McLean's account (years afterwards) was that Te Rangitake said, " ' Let me return thither and I will then consider the matter. When I get there one side of the river shall be yours, and the north side mine, whence I can look out for the Waikatos in case that tribe should meditate an attack upon us . . . ' He was allowed to locate himself at Waitara, and nothing was said about the land : there was no attempt to press the matter hastily. He returned with his people : the sanction of the Governor to his doing so had been given, though the act was on his part intended as one of defiance." Te Rangitake denied the accuracy of McLean's story, and it is inconsistent with the chief's letter to Fitzroy in 1844, with numerous other letters written by him, and with his plain statements on the spot to Grey and to McLean in 1847. Another witness confirmed McLean's statement that it was not by submission that Te Rangitake returned. Mr. F. D. Bell declared in the House of Representatives (1860) : " At one of the meetings Te Rangitake declared the intention of himself and his people to return to Waitara. Sir George Grey refused to grant them permission to do so, and Te Rangitake said he should return without it, and defied the Governor to prevent him." The return took place in April, 1848. McLean reported it officially. Some chiefs rode through the forest. Forty-nine canoes were employed. Five hundred and eighty-seven souls were thus settled. Two hundred and eleven went to the north of the Waitara. Two hundred and sixty-four settled at Waitara. Forty-one fixed themselves between Waitara and the town of Taranaki ; and seventy-one at the south side of the town. It may be feared that Grey who, to prevent Te Rangitake's return in 1847, ordered the unlawful destruction of canoes, would in 1848 have resorted to violence if he had not been wincing under the arguments of the Bishop and the Chief Justice, about Earl Grey's Instructions, and if he had not suspected that as the Waikato tribes consented to the return of the Ngatiawa he would offend his most powerful Maori friends by wronging their countryman who had been his trusted and useful ally. The



Governor could not afford to be in arms against the Bishop, the Chief Justice, and every notable chief. If Te Whero Whero should side with Te Rangitake, and Waka Nene should adhere to Te Whero Whero, the Government would be friendless.

The settlement of the returned Ngatiawa was completed according to Maori usages. Tribal meetings sanctioned it. There was apprehension of a raid from the Ngatimaniapoto tribe, and it was resolved that Te Rangitake and many more should reside "on the south bank for mutual protection." These were the words of Teira in after years. He had returned to the Waitara under Te Rangitake's guidance. He was one of those who thus resided, and it was through his procured agency that a future Governor plunged his countrymen into a disastrous war. No resistance was offered by Governor Grey, nor were any despatches published which indicated that in his opinion or in that of Donald McLean, Te Rangitake committed any wrong by the mode of settlement adopted, although McLean considered his return "an act of defiance, to which the sanction of the Governor had been given." Every step with regard to the Waitara lands requires to be carefully followed by those who would understand the causes of the war of 1860. Donald McLean's position was absurd. He asserted that the Ngatiawa title had merged in that of the conquering Waikato, and when confronted with the written opinion of Clarke, the Protector (1843), "that the principal right to land in the Taranaki district still vested in the original inhabitants," he could only reply: "Mr. Clarke's views are not materially different from mine. He in the first instance recognized the Waikato right of conquest."<sup>1</sup> It may be asked

<sup>1</sup> P. P. 1860. Vol. xlvii. p. 342. Clarke wrote: "Again, the titles of tribes about Port Nicholson cannot be wholly extinct if they have kept up a friendly intercourse with the residents. . . . A tribe never ceases to maintain their title to the lands of their fathers, nor could a purchase be complete and valid without the consent of the original proprietors. . . . Possession of land even for a number of years does not give a right to alienate such property to Europeans without consent of the original donors of the land; but it may be continued in the possession of the descendants of the grantee to the latest generation." Asserting that these views did not differ materially from his own, McLean connived at a war based upon an utter disregard of them. Having been employed at Taranaki, in 1844, by Governor Fitzroy, and having then reported the contentment produced by Fitzroy's recognition of the rights of absentees with which McLean concurred,

how the Governor could expect to maintain his reputation for good faith amongst the Maoris. He had seized Rauparaha. He had plotted to prevent Te Rangitake's return. But his despatch suggesting the destruction of the Ngatiawa canoes was not published until 1860, nor was it known that to counteract the influence of Te Rangitake he endeavoured to create a counter-force by establishing a military colony at Taranaki. Moreover, he exercised winning arts in his intercourse with the chiefs. Travellers observed the confidence with which he trusted himself amongst them, and the facility with which he adopted their modes of speech. Their own habits commended to the Maoris the absorption into the Governor's person of substance as well as form in government. The Native Protectorate which he found in existence, and through which his predecessors had influenced the Maoris, he speedily discontinued, and appointed a native secretary, through whom he exercised control. When invested with the Star of the Order of the Bath at Auckland, he selected Waka Nene and Te Puni as his esquires. They in their turn recognized as a leader of men one whom they found sagacious in counsel and daring in the field, though if Puni had known of the plot to destroy his canoes his suspicions might have been aroused. The reputation which the Governor had acquired in England enabled him to obtain royal recognition of his dusky and chivalrous friends. Two chiefs, Te Waru and Kahawai, wrote to the Queen (1849) from Waikato, Rangiaohia. They said: "O madam the Queen, we salute you. We return our thanks to you for your letter in which you tell us that the land shall not be taken away, but that the treaty of Waitangi shall be strictly abided by." They were grateful for the introduction of Christianity, and the customs of the Pakeha. They thanked the Governor. They told how, though poor, they had after a year's exertions built a watermill by their own resources, and Grey had generously given them a plough. "O the Queen" (they concluded), "we regard you with affection, because we have nothing to give you; because we, the Maoris, are a poor people; but we wish that you should see and eat of the flour

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McLean was without excuse for the breach of faith which he was willing to commit in 1848, and which he supported in 1859.

grown at Rangiaohia; find not fault with what we send, whether much or little; it is little in the presence of the Queen of England; we have nothing else except this flour to give you. Be graciously pleased with our present, that our hearts may be glad. The schools for our children are very good, and we will all become civilized; but send no convicts here to our country; they will cause us trouble, and we fear lest evil should be increased in our islands." The Governor, pointing out that the letter was written by a native, trusted that Her Majesty would be graciously pleased to encourage the attachment of the chiefs by some slight acknowledgment of the confidence reposed in her by her distant subjects striving so earnestly to benefit their country, and loyally conscious of her sovereign goodwill. Two phrases in the letter of the chiefs were obnoxious to Earl Grey; the reference to the treaty of Waitangi, and the prayer that no convicts might be sent to New Zealand. He had for some time been endeavouring to revive transportation to Australia, and in 1853 he reiterated his opinion that England was "perfectly justified in continuing the practice." But nothing could be denied to a Governor who had educed order out of chaos, and loyalty out of distrust. Although Her Majesty in general declined presents, the flour in this case was to be accepted, and the interest of the Maoris in education was to be promoted. Two pictures of the Queen with Prince Albert and the royal children were presented by the Queen to the two chiefs. The Governor was, however, to send no more presents without previous permission. The pictures arrived safely, and Grey reported that they gave great gratification at Auckland, where crowds of Maoris went to see them before they were sent to their inland destination, that, as the chiefs expressed themselves, "the Queen might be really seen by all her subjects."<sup>1</sup> Again the two chiefs thanked Her Majesty. Agriculture was increasing amongst them. "But, O Queen, what we prize most are the schools for our children . . ." O lady the Queen, hearken to us. Let Governor Grey long remain here as Governor of this island. We have a great affection to him. He is frequently persuading us to remain at peace, the Pakehas and the Maoris one with

<sup>1</sup> In 1864 the pictures were discovered in good preservation when General Cameron sacked the Rangiaohia Maori settlement.

another, that they may live as one, that they may live with a friendly feeling, that all the natives of this island may live in comfort believing the word of God. Thus we shall abide in peace. These are very righteous purposes,—principles—for us and for our children.”

It was not only by founding schools and hospitals that the Governor strove to convince the Maoris of his goodwill. He obtained Earl Grey's sanction for a loan to a chief to enable him to buy a coasting vessel, and the loan was repaid. He kept scrupulous faith with those whom he employed in making military roads, a policy which he strongly urged, and which the great Duke of Wellington impressed on the Ministry as one of the first objects to be aimed at. Cruisers actively stopped the trade in fire-arms. Commander Sotheby, of H.M.S. ‘Racehorse,’ seized a Hobart Town barque, but found no more than a due complement of arms on board. The master was then tried and fined £100 (or three months’ imprisonment) for bartering a musket to a native for a pig (the barque being forfeited), and was further fined £100 (or three months’ imprisonment) for leaving the port without a clearance, and still further fined £100 for threatening the harbour-master. The Governor's legislation and Sotheby's activity rendered ships on the coast precarious property unless in submissive hands. The Governor had almost a blank charter. Troops and ships had been sent to him. Parliamentary grants were freely given. In 1847, £57,000 were expended, but as the local revenue increased the amount of the grant was diminished.

Peace and prosperity seemed secure in New Zealand. A traveller, Colonel Mundy,<sup>1</sup> predicted that there would not be another Maori war. Differences between the Governor and Europeans resulted in his favour. Archdeacon Williams could procure neither apology for slander nor proof of charges against him. An editor, Mr. Brown, who arraigned the Governor in letters to Sir William Molesworth, and transmitted copies through the Governor to Earl Grey, was coolly dealt with. Mr. Brown had been charged with garbling a letter, and when he proved that the letter published was correct and the charge mistaken, Earl Grey retorted that the publication had been without

<sup>1</sup> ‘Our Antipodes.’

proper authority, and that the charge was "an accidental consequence of his own unjustifiable act." The stars in their courses seemed to fight for the Governor. Yet there were troubles in store. The hopes which had been excited by Earl Grey's abortive Constitution in 1846 survived its suspension. Amongst the colonists a craving for representative institutions found frequent vent. They knew that their old champion, Charles Buller, had much to do with propounding Earl Grey's scheme. He had, indeed, after Earl Grey's accession to office, been the trusted adviser both of the company and of Downing Street. In some cases he drew up the official correspondence for each of the contracting parties. Warmed into confidence by knowledge of these advantages the colonists pressed forward their claims. But the Governor stayed his hand. He could not rely upon the temperate use of power by a few thousand Europeans over Maoris twenty times their number. To Earl Grey he wrote that he hoped ere long to introduce representative institutions, but the colonists complained of ignorance of his views. They assailed him with addresses. From Wellington he was told (in 1848) that his form of government was "more absolute than that of any other dependency of the British Crown, with the exception of Norfolk Island." Admitting the existing prosperity, but attributing it partly to British gold, the memorialists said they were "not so utterly corrupted by it as to be indifferent to the possession of representative institutions." They solemnly protested against postponement of their introduction. Other addresses were less denunciatory. To all Grey replied diplomatically. As far as depended upon him the southern province should as soon as practicable be in possession of a Legislative Council, but he must move slowly and cautiously. In no part of the world were life and property more secure than in New Zealand in 1848, and great care was needed lest so happy a state of things should be disturbed. The allusion to Norfolk Island he disposed of by showing that the memorialists were ignorant of the subject, for the existing government differed in form only from that of New South Wales amongst the neighbouring colonies. There was something theatrical in the manner in which he took his first step.

In October, 1848, the throb of an earthquake vibrated from

Taranaki to Wellington and from Nelson to Cloudy Bay. Wellington was the point of severest concussion, and only four brick buildings escaped damage. Clay buildings were equally unfortunate, while wooden structures were uninjured, although for a fortnight the pent forces of the disturbing power made the earth tremble. Lieutenant-Governor Eyre detained the vessels in the harbour in order to reassure the terrified townsmen and to provide means of flight from the devoted spot. The earthquake afforded a pretext for action at the south, without extending changes to the northern districts. Suddenly Grey summoned his Council on the 16th November. Prompt and energetic measures were needed at Wellington to remedy its disasters. He could not withdraw Mr. Eyre or others from their pressing duties at Wellington, therefore he resorted to his advisers at Auckland. He proposed to call into existence Provincial Legislative Councils for each of the provinces into which New Zealand might be divided; the Suspending Act of 1848 having empowered the Governor-in-chief to take such a step with advice of his Legislative Council. With powers thus obtained the Provincial Legislature of New Munster would be able "to meet the urgent demands of the present crisis." Such pressure from above and from below disarmed debate. On the 18th November, 1848, he had passed his measure. On the 26th he arrived at Wellington, and reported on the following day that the alarm created by the earthquake had subsided, and the prospects of the settlement were unendangered. On the 29th he transmitted, for the signification of Her Majesty's pleasure thereon, his "Ordinance to provide for the establishment of Provincial Legislative Councils." He explained his views at great length. He wished to modify the existing form of government in anticipation of the time when the Act suspending the Constitution of 1846 would, by its own expiry, give life to the one it had suspended. But New Zealand should defray her own expenses before receiving representative institutions. He gave an outline of the form of government he desired to establish. A General Assembly, consisting of a Legislative Council nominated by the Crown and an Assembly elected in the several provinces; unicameral Provincial Councils, of which one-third should be nominated by the Crown and two-thirds

elected; municipal corporations; a £10 burgess and £5 rural suffrage (annual value in each case) for Europeans who could read and write; a suffrage for Maoris owning property of £200 value or holding a certificate from the Governor-General,—were among his proposals. To the Provincial Legislatures he would not give power to legislate on subjects affecting the Maoris or Crown lands. He was confident and prompt. On the 19th December he appointed, subject to approval of the Crown, six gentlemen as members of the Legislative Council of New Munster; on the 21st he addressed the new body; on the following day they solicited further information as to the introduction of representative government; on the 23rd he informed them of the recommendations he had made to the home Government; and three days later the Council expressed their thorough satisfaction, having no suggestion to make except that the Crown nominees in Provincial Legislative Councils should not exceed five. When apprising Earl Grey of these events the Governor urged that self-support should precede representative government, the craving for the latter being useful as a lever to bring about the former. "Should Her Majesty's Government think proper to declare that a representative government should be introduced into this colony at the period named, or at an earlier date, either throughout the whole colony or in any such province or provinces as may be proclaimed by the Governor-in-chief, I would neither shrink from the responsibility of declining to introduce such institutions into any province until I believe they can be safely conferred upon it; nor will I, on the other hand, for a single day unnecessarily delay obtaining for the inhabitants of the colony a boon which I am most anxious to see conferred upon them."

In March, 1849, he wrote that the population of the Northern Island was—near Wellington, 1500 male adults, besides 1793 military; in Northern districts, 1657 male adults, besides 1155 military. There were 105,000 Maoris, of whom a large proportion were capable of bearing arms. In July, 1849, he forwarded lengthy arguments. There was no analogy in a military sense between Maoris and American Indians. In skill and perseverance the former were infinitely superior, and for warfare in their native land better equipped than the English.



They moved with rapidity and secrecy impossible for Europeans, who, in the absence of roads, could travel but few miles into the interior. Finding that their pahs could be destroyed they had abandoned the idea of constructing them, lived in scattered villages near their cultivations, and, being able to quit them readily they presented no vulnerable point. "To assist in anything which might be regarded as a national war there can be little doubt that almost every village would pour forth its chiefs and its population." But nearly all Maoris had become Christian. "They are fond of agriculture, take great pleasure in cattle and horses; like the sea, and form good sailors; are attached to Europeans, admire their customs and manners; are extremely ambitious of rising in civilization, and of becoming skilled in European arts. They are apt at learning; in many respects extremely conscientious and observant of their word; are ambitious of honours, and are probably the most covetous race in the world. They are also agreeable in manners, and attachments of a lasting character readily and frequently spring up between them and Europeans." War with such a race was to be avoided: an unnecessary war would be costly. "During a considerable period any signal failure in an operation which had been entered upon would have led to a simultaneous and almost general rising, the effects and cost of which may be easily conceived." Mercy, justice, and prudence counselled delay as the rule on which the Government should act. Before Grey arrived there had been 57 English killed and 114 wounded. Subsequently there had been 28 English killed and 53 wounded. The skilful employment of allied Maoris had diminished the European death-rate.

The missionaries had worked wonders. It was questionable whether at any period of the world there had been before a body so eminently qualified by piety, ability, and zeal for their office. Instructed by them "probably a greater proportion of the population than in any country in Europe were able to read and write," and schools had been established by the Government. The local government had been upbraided for postponing elective institutions, but "looking to the peculiar condition and population of the country it was better to err on the side of prudence than incur the risk of the fearful evils which would

ensue from another rebellion for the sake of acquiring one or two years earlier that which must certainly within so short a period be obtained."

Meantime irresponsible colonists denounced the Governor's tactics. From Nelson Mr. E. W. Stafford and eight others, four of whom were magistrates, sent a complaint to Earl Grey. The "temporary absolutism" of the Governor must be put an end to. The right of self-government was inherent in a community of Englishmen. As for the nominees of the Crown in the Council at New Munster, many of them would not have been freely elected as representatives by the memorialists, who scorned to be governed by them in any other way. In 1849, a Settlers' Constitutional Association was formed at Wellington. Mr. Fitzherbert, Mr. Fox, Dr. Featherston, Mr. Weld, Captain Daniel, and others, carried resolutions, arguing at great length against the Governor's conduct. They declared that, "if, with every despatch received from Earl Grey the Governor had received one from his Lordship's political adversaries, and putting the former into the fire had carried out the instructions of the latter, some clue might be found to the course pursued by him." They charged him with hollowness and insincerity in his "skilfully-written despatches." They thought his aversion from representative institutions due to his fear lest his "fallacies and misrepresentations" should be dragged into light. He—satisfied that he would "not be expected to notice the personal attacks made upon himself, the Government, and the Legislative Council" at Wellington—coolly dealt with the statements of the association concerning constitutional questions, and maintained his own views with apparent good temper. The insinuation that the Governor had persistently thrown aside Earl Grey's Instructions did not incense the Earl, who, in 1850, replied: "I have seen nothing to diminish in the slightest degree the confidence which my experience of your past conduct, and the results of your administration, both of your former and your present government, lead me to repose in you."

The Settlers' Constitutional Association was not the Governor's only trouble at Wellington. His old friend Eyre was unfortunate enough to seem to Grey to increase difficulties created by the

Secretary of State. In a long despatch (22nd December, 1849), which conveyed the royal approval of the Provincial Legislative Council Ordinance of November, 1848, it was declared on the subject of the civil list that the provision for its appropriation, under direction of the Lords of the Treasury, "will only become of real importance when a popular legislature shall be created, to which the power of controlling the whole public expenditure, except that portion reserved as a civil list, will be entrusted. In the mean time, while the whole colonial revenue is appropriated by yourself, with the aid of a legislature nominated by the Crown and acting under the directions of Her Majesty's Government with respect to the salaries to be assigned to the various public servants in the colony, it is practicably immaterial which of these salaries are nominally charged upon the Civil List under the sanction of the Lords Commissioners of the Treasury." Earl Grey endeavoured to show how the spirit of the law might be evaded without a technical departure from its terms. It was, perhaps, not strange that the man who would have infringed the Waitangi treaty should pen such a despatch. But it was strange that he should claim to be called liberal. He would not practise the art of concealing the fetters he would impose. When the despatch was published, Messrs. Bannatyne, Bell, and Ludlam resigned their nominee seats as incompatible with their independence, if held on the terms imposed by Earl Grey. They would not have accepted them if the Governor-in-chief had attached such a condition to them, and they declined to sit "subject to the imposition afterwards" of such terms by Earl Grey. Their advice was worthless if given "under directions." They could nullify such conditions by their votes, but they would not leave it in the power of any Minister to object to their votes, or to say that by independent conduct they were evading any engagement by which he supposed them bound. Eyre, in transmitting these resignations to Sir George Grey, remarked that he could not conceal from himself that the form of the Council was "so unpopular, and daily becoming more so, that there was little probability of being able to induce any other gentlemen of sufficient character, standing, and ability to join" the Government. Two other members had previously resigned, because, in their opinion, Eyre had infringed the law in not duly

obtaining appropriation of revenue ; and, having summoned his Council, had, *mero motu*, irregularly postponed it. Eyre was about to summon the Council for the 1st August, 1850, but Grey, expecting despatches from England, requested him to postpone the meeting, which would be useless if almost immediately afterwards a General Assembly should be held under a new order of things. Eyre had already issued a summons, and at once recalled it, notifying at the same time that the estimates for the expiring year would be conformed to until the Provincial Legislature should pass other estimates. Dr. Greenwood and Dr. Monro<sup>1</sup> at once resigned. Eyre vainly endeavoured to pacify the councillors. There were but ten originally. One had left the colony, and the retirement of the five left only four, which was an insufficient number to perform business legally. Governor Grey strove to right the matter by the strong assertion that as members held their seats under an Act which defined their powers, "no casual paragraph of a despatch from the Secretary of State could have any effect or force whatever, and he was certain that no alteration or modification was designed by the Secretary of State in his despatch." Earl Grey blamed Eyre for neglecting to pass a Supply Ordinance, and considered that Messrs. Greenwood and Monro had valid reasons for retiring ; and as to the other three members he declared : "I certainly never intended my despatch to bear the sense put upon it, although I regret now to perceive that it was worded in such a manner as to be susceptible of that interpretation, and I am sorry that this should have occasioned the loss of their services to the public." When a careless sentence in a despatch might deprive a Governor of capable advisers it was wise to explain promptly ; but meantime mischief had been done, and point was given to the diatribes of the Settlers' Constitutional Association at Wellington. It was unfortunate also that Eyre, by disparaging

<sup>1</sup> It was at this period that Mr. Godley arrived in Wellington. With fervour he joined the malcontents at meetings and in letters. He upbraided Dr. Monro as having "by accepting a seat at Sir George Grey's Council-Board, contributed towards the infliction of a most serious and irreparable injury upon the colonists of New Zealand. Through your means Sir George was enabled to carry out his anti-colonial policy." The nominees were "undoubtedly the puppets and obedient servants of the Governor" (Published letter, Godley to Monro).

the existing form of government, gave a handle to malcontents. In January, 1851, Major-General Pitt, the Lieutenant-Governor at New Ulster, died, and Grey needed all the loyal co-operation he could secure. In April he filled the vacancy by the appointment of Lieutenant-Colonel Wynyard, who commanded the troops in the colony, and the Queen approved.

From Auckland a long and violent impeachment of the Governor was authenticated by 168 signatures. He forwarded it with comments. He disposed of the personal charges against him by referring to a memorial more numerous signed some time before, in which the complainants were termed "penny-an-acre claimants," deeply interested in their illegal and monster purchases. Earl Grey applauded him. In the work which he published in 1853 he extolled the ability of the Governor. The slightest error in judgment, or defect of prudence, firmness, or decision on his part, would, Earl Grey wrote, have converted the war of 1845 into a mortal struggle which, "once commenced, could hardly have been closed except by our abandonment of the islands in disgrace, or the extermination of the aboriginal inhabitants." The Governor's most notable triumph was perhaps the paralyzing of Earl Grey's effort to wreak into action the hostility of the friends of the New Zealand Company to the treaty of Waitangi. Earl Grey claimed for the Russell Ministry the humble credit of supporting the Governor's policy to the utmost of their power. In 1876 the slow foot of time enabled the Governor to produce proof that the chairman of the public meeting at Auckland did in 1859 write a letter apologizing for having in 1849, as chairman, signed a letter which was unjust, and contained "assertions made for no other purpose than to give personal annoyance."

The principles of Wakefield's colonization scheme having been applied nowhere thoroughly, the evils against which it was aimed were felt everywhere. Mr. Fox, the acting principal agent of the New Zealand Company in the colony, in a long despatch (November, 1848), enumerated the evils arising from the transfer of labourers into the position of employers, and the consequent general depression. He proposed to abolish free passages and enforce repayment by each immigrant of the cost of his emigration. Thus he hoped to keep up a continuous

stream of immigration. He had not grasped the key of Wakefield's position, which was not the creation of a land and immigration fund, but the application of the land itself to the most wholesome purposes, and the establishment of a prosperous and moral community, applying its energies in wholesome channels. In his confusion he seemed to find himself at war with Gibbon Wakefield. He pleaded that he had entire faith in the principles of his master, and hoped he might not be accused of impugning "the soundness of the principles of systematic colonization first developed" by Wakefield, and adopted by the New Zealand Company. The Company in London urged Earl Grey to adopt Mr. Fox's suggestion generally. They saw that a provision confined to New Zealand might operate as a deterrent to local immigration, and serve to divert labour to other colonies. Earl Grey said Mr. Fox's scheme had so often been tried and so often failed that he could not concur with it. He suggested that a tax might be put upon all employers of labour. Disloyal to Wakefield's idea, which would in a straightforward manner fix labour in the most wholesome sphere, he indirectly strove to satisfy Wakefield's disciples by putting a tax on employment of labour in every sphere. He seemed to think that the best method of promoting useful industries was to tax them. The colonists who were recommended to make such an experiment shrunk from it. They recoiled with equal determination from Earl Grey's advice that convicts should still be sent to Australia, and that England was "perfectly justified in continuing" to send them thither.

The pollution of the transportation system was dreaded in New Zealand by colonists and by Maoris. More than 300 of the latter at Cook's Straits thus addressed the Queen, in 1849 :

"O LADY, O QUEEN,

"... A rumour has reached us that exiles or prisoners are about to be sent hither. . . . We earnestly supplicate that prisoners may not be allowed to come here. . . . We have long since heard of the evil propensities of that class of men from those of the white people here who are our friends, as well as from the testimony of those our countrymen who have visited Port Jackson and Hobart Town . . ."

Three hundred and seventy-six chiefs near Auckland sent their prayers to the Queen :

“ O LADY,

“ Salutation to you. . . . Behold, we have heard that a letter has been received from one of your counsellors, from Earl Grey, dated the 3rd day of August, 1848, proposing to allow exiles to live in this island. Behold, we say, let not this be done ! Do not depart from the agreement was first made that this country should be settled by your people. . . . It was then promised that thieves and such people should not be conveyed hither. Let this be adhered to as well as all our laws. O lady ! we shall be perplexed if the convicts are allowed to come here. . . . Abandon that thought. Rather let gentlemen, men of peaceful life, come here. We like such men. . . .”

Settlers at Auckland prayed that New Zealand might be spared the infliction contemplated. The grand jury at New Munster made a presentment of similar import. A public meeting at Wellington was of the same mind. Lieutenant-Governor Eyre and his Legislative Council remonstrated against Earl Grey's scheme. Governor Grey urged in May, 1849, that no country was less adapted for such an experiment. “ I beg therefore to recommend your Lordship not to include New Zealand in those places into which convicts with tickets-of-leave are to be introduced.” The advice was taken. Earl Grey (1849) informed the Governor that he concurred with his reasoning, and that “ Her Majesty would not be advised to send convicts to New Zealand.” The convict question was by common consent banished from New Zealand ; but constitutional changes were urged with vigour by many of the principal settlers connected with the New Zealand Company.

The Governor followed his own course steadily. In 1848 and 1849 he resisted the pressure brought upon him, although he hoped to introduce in due time the principle of representation in the Government. In November, 1849, he told Earl Grey that in 1851 it might be put to trial. In October, 1850, noticing that Lord John Russell had commended his opinion to Parliament, the Governor prepared an Ordinance to carry his views into effect, by establishing Provincial Legislative Councils in which some members were to be elective. The franchise was to be given to the Maoris, in common with the Europeans, by enabling



the Governor to constitute convenient electoral districts, which were to be only those in which the white population abounded. All outside of such boundaries were to have no votes. Leasehold of a fixed annual value as well as freehold was to confer a vote, and there were to be nominee members. The necessity of retaining power in the hands of the Crown had become an article of faith with the Governor. The nominee members were to be appointed for two years only. The Governor-in-chief was to have power to disallow Ordinances, or to reserve them for the royal pleasure. Some settlers loathed the idea of a Maori franchise.

Mr. Stafford and others at Nelson passed resolutions. They provided that no alien should vote, and required universal suffrage and vote by ballot. They told Earl Grey that they claimed this suffrage as a right they were "perfectly fitted to possess." They descanted on the abstract principles of the ballot. Auckland was too remote from them, and if they could not have a central Executive Government they demanded "complete separation, legislative, executive, and financial," of the provinces. They would have two elected Houses, and the Governor should be removable on address of two-thirds of each House. Their demands excited local dissent. A counter-memorial, signed by 161 Nelson colonists, was sent to Sir G. Grey. They thought universal suffrage an improper manner of seeking for the enlightened opinions of a community; they did not approve of the ballot. They saw grave objections to the creation of a local machinery for the removal of the Queen's representative. Among the objectors was Dr. Monro.

At Wellington the Governor's Ordinance was denounced. Mr. Godfrey, Mr. Clifford, Mr. Fox, Mr. Dorset, Captain Daniell and others, proposed that a General Council should be formed from the chief executive officers and persons selected "by the Governor from individuals chosen by a public meeting in each settlement." They appointed Mr. Fox, who was on the eve of departure to England, "political agent for the Wellington settlers." In their memorial to Earl Grey they eulogized Sir William Molesworth's speeches in Parliament on colonial reform. The settlers in the valley of the Hutt promptly disavowed all sympathy with the Wellington projects. As at Nelson, so at Wellington, an earnest

protest against the proceedings of the majority was sent by a minority, who in two days procured 229 signatures. They thought it unjust to deny all political privileges to the Maoris, and traversed many of the allegations of the friends of Mr. Fox, whose employment as principal agent for the company precluded him from advocating the interests of the settlers, with regard to "the burdens to be imposed upon the colony in consequence of the dissolution of the company." The Governor was willing to confer representation when the time might in his opinion be suitable. He dreaded the assumption of supremacy by the minions of the late company over the land and its inhabitants. He knew the powerful agency they could bring to bear in England. But the tide of events betokened that Imperial legislation was at hand. A report of a Committee of the Privy Council on the Australian Constitutions had in 1849 established a precedent unfavourable to Governor Grey. Reluctantly, in deference to opinion in New South Wales, preference of two Chambers was waived, and single Chambers on the basis established in 1842, were recommended. Breaking down in its attempt to legislate on these recommendations, Parliament nevertheless passed in 1850 the Australian Constitution Act (13 and 14 Vict. cap. 59). It was plain that New Zealand would be dealt with, and it was fortunate for Grey that all parties in Parliament were deaf to his detractors.

Though not originally a servant of the New Zealand Company, Mr. Fox was as enthusiastic as any of its minions. When informed that the charter was to be surrendered, he concurred in the wisdom of the decision, but could not refrain from declaring that public gratitude was due to the company for having "created the colony of New Zealand, rescuing it from a foreign dominion which hovered over it, and compelling the home Government to retake possession of one of its most important dependencies, which had by the acts of that Government been abandoned on a plea of philanthropy to a small body of savages, from whom a more sagacious and perhaps less scrupulous European power stood ready to wrest it." Before leaving the colony, Mr. Fox was engaged in altercation with the Government as to conveyances of land and the surrender of original plans and registers.<sup>1</sup>

<sup>1</sup> An order for their surrender was eventually obtained from England.

These occurrences did not soothe the ill-temper with which Mr. Fox, in common with others, looked upon the policy which regarded as sacred a treaty made by the Queen with "a small body of savages." He left New Zealand on the 10th February, 1851, and speedily sought for an interview in which to denounce Sir G. Grey to the Secretary of State. Earl Grey declined to recognize Mr. Fox as agent for the settlers, and as he could not accord an interview "without great inconvenience," asked for a statement in writing. Fox arraigned the Governor for wanting to force on the colonists an odious form of government; acting illegally; injuriously if not unlawfully tampering with the currency; managing the Maoris injudiciously; taxing the colonists excessively; spending their money wastefully; loading them with debt; and not establishing a militia to enable them to defend themselves. Earl Grey simply acknowledged the indictment with its lengthy enclosures.<sup>1</sup> He received at that time equally elaborate statements from the Governor as to details of the Constitution to be conferred on New Zealand. But Earl Grey was not destined to reply. He was about to vacate office. He sent, however, to the Governor a draft despatch, which he had been about to authorize, and enclosed the heads of a Bill for the Government of New Zealand, which he had prepared for submission to Parliament. For the most part, he said, he had adopted the Governor's recommendations.

In February, 1852, Lord John Russell's Ministry fell before an adverse amendment moved in a Militia Bill by Lord Palmerston, who had recently been dismissed from the post of Foreign Secretary. As Earl Grey had been able six years before to prevent the formation of a Ministry with Lord Palmerston as Foreign Secretary, so now the latter was strong enough to overthrow his late colleagues, and the name of Earl Grey disappeared

<sup>1</sup> Mr. Fox's complaints were not confined to the Governor. He railed in 1852 against Mr. F. Dillon Bell in such terms that Mr. Bell demanded and obtained from Mr. Harington, the Secretary of the dying New Zealand Company, an acknowledgment that their confidence in Mr. Bell's "fidelity, integrity, and zeal" were unabated when he left their service (P. P. 1854. Vol. xlv. p. 392). The Governor, in transmitting Mr. Bell's reply to Fox's imputations, curtly said, that if the attack were published so should the defence be. The charges made by Mr. Fox against the Governor were issued in form of a pamphlet "for private circulation only."

finally from Cabinets. Sir John Pakington became Colonial Secretary, and as a paragraph in the Queen's speech had invited Parliament to confer representative institutions on New Zealand, he, in May, obtained leave to bring in the necessary Bill. He paid compliments to Sir George Grey, and was guided mostly by his recommendations. He adopted the franchise suggested, and consented to do what Earl Grey had declined, by delegating to the Governor-General the power to assent to, or veto, Bills passed in the Provincial Assemblies. Six provinces were created:—Auckland, Wellington, Nelson, Canterbury, Otago, and New Plymouth. The Governor was to appoint their boundaries. In deference to Governor Grey's suggestion, the superintendents of the provinces were to be elective. The control of the lands and even minerals was handed over, subject to certain conditions (for payments to the New Zealand Company). The measure excited the attention of Gladstone, and drew amendments from Sir William Molesworth. The late paramount authority on New Zealand affairs was absent. The voice of him who refused to "give up to party what was meant for mankind," had been hushed by death in 1850, and his loss sent a thrill of pain to the hearts of Englishmen at the antipodes. But Peel's spirit still ruled in the Commons, and Sir J. Pakington was not thwarted. Gibbon Wakefield was one of the petitioners that the Bill might pass. Sir William Molesworth, Mr. Vernon Smith, and Mr. Chisholm Anstey in vain protested against a nominee Upper Chamber. A division on the clause gave Sir John Pakington a majority of 43. John Bright and Richard Cobden were in the minority, but neither of them spoke. On one point Sir William Molesworth's pertinacity was offensive to Mr. Aglionby and other members of the New Zealand Company.

By the Imperial statute 10 and 11 Vict. cap. 112 (1847), certain payments to the company from the land fund had been guaranteed as a first charge, after cost of survey and immigration. The amount was undefined in the statute, and Earl Grey when in office had fixed it at five shillings per acre, or equivalent to one-fourth of the gross proceeds. Sir John Pakington provided in his Bill that one-fourth of the gross proceeds should be paid over to liquidate the debt of £268,000. Sir W. Molesworth proposed to retain the vague provisions of the existing statute, and

to debar local legislation in New Zealand from altering them. He arraigned the company for deceiving the Government. They had taken a legal opinion from their standing counsel as to their liabilities at Nelson. The opinion was adverse. They had concealed it. They had taken a second one from another person, which was favourable. They had promulgated it. Nay, more. Warned by their own counsel that, having failed to perform their contracts, they might be liable to refund all the money they had received from purchasers, with interest and charges, they had told Earl Grey that their own conviction was strengthened by eminent counsel that they had fulfilled their contracts, and any unascertained balances (over and above £25,000 of trust-money) could only be trifling. Yet they had received more than £160,000 from their disputing settlers.

Mr. Aglionby defended the conduct of the company in concealing the adverse opinion of their own counsel, and declared that Earl Grey was made cognizant of the two opinions, and gave his sanction to the promulgation of the one which seemed to the company correct. The speaker might damage Earl Grey by such a course, but could hardly benefit his clients. It is fair to Earl Grey to state that when asking the Governor to arbitrate between the company and the settlers, he warned him (23rd March, 1848) that counsel of ability in England had affirmed the legal validity of the settlers' claims. Sir John Pakington persuaded the House to retain in the Bill before them the settlement arrived at by Earl Grey. Mr. Gladstone vainly opposed the plan as too favourable to the company. The House affirmed it. Mr. Mangles, one of the Directors, pointed out that Sir William Molesworth's attack involved his own deceased friend Buller, who had conducted the negotiations in 1847, and that a man who threw dirt on a deceased friend could not be expected to be fair to living enemies. Sir William Molesworth, he said, had deserted the company in their difficulties in 1843.<sup>1</sup>

Failing in Committee Sir William Molesworth attempted to

<sup>1</sup> Mr. Fox assured Sir William Molesworth ('Hansard,' vol. cxxii. p. 442) that both Colonel Wakefield and himself were deceived as to the legal opinion, and would never have made use of the opinion on the spot, as they did, unless they had been beguiled!

fixed it at five sh:

to debar local legislation. He arraigned the company, which had taken a legal course to discharge their liabilities at home, and had concealed it. The person, which was in the company, was more. Warned by the company to perform their duties, the company had money they had not paid. The charges, they had not paid, and strengthened by the company.

contracts, and by the company. £25,000 of the company received more than £25,000.

Mr. Agnew, in the course of the evening, stated that Earl Grey had given his opinion to the company by such a course as to be fair to the company.

referred directly to the armed by the nefarious which he had repressed might enable the Crown governors, by Secretaries to whom no slanderer a object of affectionate to the Maori chiefs. The bills from making laws which the title of the on extinguished," and

or restrictions on persons of contracts, and by the company of European birth or descent £25,000 of the company. Other clauses empowered the received more than £25,000. Bills, and to refuse assent to, Mr. Agnew, in the course of the evening, stated that Earl Grey had given his opinion to the company by such a course as to be fair to the company.

The 71st clause provided that "whereas that the laws, customs, and usages of the they are not repugnant to the general they should for the present be maintained of themselves in all their relations to and her, and that particular districts should be such laws, customs, or usages should be all be lawful for Her Majesty (by Letters to time to make provision for the purposes gnancy (of such laws, &c.) to the law of any law, statute, or usage in force in New part thereof, in anywise notwithstanding." barred any person, "other than Her Majesty, or in anywise acquire or accept from the belonging to or used or occupied by them



strike out the clauses relating to lands on the third reading, but only Mr. Gladstone and 19 other members supported him.

Before the Earl of Derby, Earl Grey did not plot against the treaty of Waitangi. The constitution of the Upper Chamber, the vote of the Governor upon provincial measures, the election of provincial superintendents, and the hypothecation of the land fund to reimburse the company, were the main points discussed by Lord Lyttleton, the Duke of Newcastle, and Earl Grey. All were ready to accept the Bill rather than incur delay. In Committee the Duke of Newcastle moved amendments upon the formation of the Upper House, the veto, and the compensation clauses, but was defeated. Memorable words fell from Lord Derby. Earl Grey had sneered at Pitt's failure to create an hereditary order (by the Canada Act of 1791) from which an Upper Chamber might be formed. "Parliament," he said, "could no more create a House of Lords than it could create a full-grown oak." The phrase was as unhappy as flippant. By the sowing of acorns full-grown oak trees are produced in due time; and respect for distinctions is as general in the human mind as is the genial productiveness of the earth. Lord Derby, actuated by no ignoble jealousy, thought that not in his day, nor for some time, could the constitution of the mother country be reproduced in New Zealand. "Yet he did hope that there would arise a class possessing large property, out of whom might be taken those who would represent the aristocratic element in the colony; who would (as life-nominees in the Legislature) exercise a great deal of influence both on the popular will on the one hand, and on the will of the Governor on the other; and that influence would go on extending and increasing as the aristocratic element developed itself, until it might ultimately approximate to the principles of the British Constitution." Alas! no Minister, since the days of Pitt,<sup>1</sup> has endeavoured to plant the acorn, and the clumsy oratorical ineptitude of Earl Grey stands as a maxim for those whom the attempt and not the deed confounds.

<sup>1</sup> Pitt persuaded Parliament, but subsequent obstruction thwarted him. Lord Stanhope says: "Though the Bill did enable the Sovereign to grant hereditary honours in the Province of Canada, not one such hereditary honour was in fact conferred" ('Life of Pitt,' vol. ii. p. 91).

Few of the 82 clauses of the Act referred directly to the Maoris. Nevertheless, Lord Derby, warned by the nefarious conduct of the New Zealand Company, which he had repressed in the past, provided safeguards which might enable the Crown to keep the faith so often plighted by Governors, by Secretaries of State, and by the Queen herself, to whom no slanderer could impute insincerity, and who was an object of affectionate veneration by the most sagacious of the Maori chiefs. The 19th clause barred the Provincial Councils from making laws "affecting lands of the Crown or lands to which the title of the aboriginal native owners has never been extinguished," and from "inflicting any disabilities or restrictions on persons of the native race to which persons of European birth or descent would not also be subjected." Other clauses empowered the Governor to disallow Provincial Bills, and to refuse assent to, or to reserve for Her Majesty's pleasure, Bills passed in the General Assembly, or to make amendments in such Bills for the consideration of the two Houses. The function of instructing the Governor was specially reserved for the Crown, as was also the power of disallowing Bills "at any time within two years" after their reception by the Secretary of State. The Governor was authorized to pay from the Crown lands revenue any sums payable "on account of the purchase of land from aboriginal natives, or the release or extinguishment of their rights in any land." The 71st clause provided that "whereas it may be expedient that the laws, customs, and usages of the (Maoris), so far as they are not repugnant to the general principles of humanity, should for the present be maintained for the government of themselves in all their relations to and dealings with each other, and that particular districts should be set apart within which such laws, customs, or usages should be so observed, it shall be lawful for Her Majesty (by Letters Patent) from time to time to make provision for the purposes aforesaid, any repugnancy (of such laws, &c.) to the law of England, or to any law, statute, or usage in force in New Zealand, or any part thereof, in anywise notwithstanding." The 73rd clause barred any person, "other than Her Majesty, . . . to purchase, or in anywise acquire or accept from the (Maoris), land of or belonging to or used or occupied by them

in common as tribes or communities, or to accept any release or extinguishment of (their) rights in any such land as aforesaid." Any conveyance or transfer or agreement for conveyance or transfer in violation of this provision was to be absolutely void. The 79th clause distinctly enabled the Crown to delegate to the Governor by Letters Patent, the powers reserved as to the "preservation of aboriginal laws, customs, and usages." There was nothing in the Act<sup>1</sup> which derogated from the right, or diminished the duty, of the Crown to be loyal to the treaty of Waitangi. There was nothing in it to sanction or condone the disloyalty which it will be seen was displayed afterwards by various Secretaries of State.

Sir John Pakington expressed the pleasure of the Government in entrusting to the Governor the execution of the law which owed its shape in great degree to his suggestions. There was a clause which gave power to the Crown to portion out districts in which Maori customs and usages were to be preserved, and this power was delegated by the Crown to Sir George Grey, as well as the power to form municipal corporations. Royal Instructions (13th September, 1852) were afterwards sent, which provided, that as a general rule no question should be put before the Executive Council except by the Governor, and that he might execute the powers conferred upon him, though the whole Council should oppose him. It may be said briefly that the confidence in England in the character of Sir George Grey largely influenced the great changes made in the administration of Crown lands. For the first time at the antipodes was power placed by statute in local authority as to disposal of land. The discovery of gold in Australia, and anticipation of its existence in New Zealand, did not deter Sir John Pakington from the concession, and he was applauded when, in June, 1852, he announced that he was prepared to advise that both in New Zealand and in Australia the Crown rights in all minerals should be transferred to the local legislatures. The Constitutional Association at Wellington assiduously opposed Sir George Grey's Provincial Councils' Ordinance, and forwarded to Fox, their political agent in London, reports of their proceedings. Sir George Grey had intended to issue

<sup>1</sup> 15 and 16 Vict. cap. 72.

writs for the elections in New Munster under his Ordinance of July, 1851. He had made preliminary proclamations, and the elections were only deferred till September, 1852, when tidings of the introduction of Sir John Pakington's Bill in the House of Commons stayed his proceedings. On the 17th January, 1853, he was enabled to proclaim the new Constitution Act. On the 28th February, he proclaimed the limits of the six provinces, and regulations for election of superintendents, registration of electors, and conduct of elections for the General Assembly and for Provincial Councils. On the 4th March he proclaimed regulations for the disposal of Crown lands. As empowered by the Constitution, he established sales by auction for town and suburban lands, and for rural lands outside of the limits of hundreds he affixed a price of ten shillings an acre, with modifications by which, on the certificate of a Commissioner as to their low value, they might be sold for five. The land was required to be surveyed before an applicant could take possession, and with a view to secure a fair price for mineral treasures, a right was retained to sell even rural lands by auction. The regulations were to be in force throughout New Zealand (except as regarded lands reserved to the Canterbury or Otago Associations) within fifteen days of their receipt in each province. Whether intended to injure the work of those associations or not, they could have no other effect. At Canterbury the original price of land was £3 an acre.<sup>1</sup> Who could be expected to pay such a price, when in a neighbouring, or even in parts of the same civil province, it might be obtained from

<sup>1</sup> An amusing application is to be found in the House of Commons' Papers, 1854, vol. xlv. p. 126. A Mr. Bruce having bought an allotment, fifty-three feet by eighty-seven, in 1843, at Akaroa from the Nanto-Borde-laise Company, discovered, in 1852, that he had paid at the rate of £500 an acre for it. The Canterbury Association, he said, were depreciating his property by selling at £3 an acre. He demanded compensation, and begged to be informed to whom he was to apply for it. Sir George Grey gravely informed him that having no instructions upon such cases he could only transmit the application to the Secretary of State. The Duke of Newcastle with equal gravity referred Sir George Grey to a despatch of Sir John Pakington's, which stated that on a certain case he was unable to form an opinion from the papers before him, though from these he could see no reason to suppose there was a grievance calling for interference.

the Government at one-twelfth of the sum required by the association?

Earth-hunger knows no restraint of reason. A chorus of satisfaction arose. Liberation from a high price was the burden of the song. Thanks poured in to the Governor from Auckland, Taranaki, Wanganui, Hawke's Bay, the Hutt, and even from some persons at Wellington. But at the latter place there was one man indisposed to see settlements destroyed by a proclamation. Gibbon Wakefield had arrived there. He caused a case to be brought before the Supreme Court, and a Judge pronounced against Grey's proclamation. The Governor disregarded the judgment, and was supported in England. But an opening was left for the exercise of local control in certain places. The Governor was instructed in July, 1853, to maintain the land regulations of Otago, until the General Assembly should otherwise enact. In reporting his proceedings, Grey did not scruple to assert that the power to deal with the upset price was needed under the peculiar circumstances of the colony. Labourers had already been attracted by the gold of California, and the fresh fields of Australia were a nearer and more potent magnet. Gold had been found in New Zealand at Coromandel, but in small quantities. Still it was hoped that the revenue at Auckland, which had declined in consequence of emigration, would revive with returning gold-seekers. Grey told Sir J. Pakington that the power to deal with the land enabled him to solve a most perplexing class of social and political problems which had been springing into existence.

There was a burning question at Auckland. When Parliament granted £236,000 in 1847 to save the New Zealand Company, Auckland was unbenefited. When a further sum of £268,000,<sup>1</sup> to be paid to the company, was made a charge upon all New Zealand lands, Auckland considered itself pillaged. The company had done nothing for Auckland. Why should Auckland lands pay the debts of the company? In September, 1852, the Executive Council at Auckland had drawn up a memorial denouncing such an imposition, and declaring that to bring it into operation would endanger peace and prosperity in the northern district, and Sir George Grey acquiesced in their

<sup>1</sup> Fractions are omitted.

opinion. But the Constitution Act continued the charge. In May, 1853, he wrote earnestly on the subject, and awaiting instructions held back £9000 which New Ulster would have had to pay to the New Zealand Company under the obnoxious arrangement. He pleaded in vain. His influence in England had evaporated. The painstaking patriotism and courteous diligence of Sir John Pakington were no longer in Downing Street. The epigrammatic felicity and stinging epithets which made Disraeli a power in the Commons, when in opposition, did not serve him as Chancellor of the Exchequer, and the Derby Ministry was expelled upon its Budget in December, 1852. The Duke of Newcastle became Colonial Minister. To the Governor's despatch with the minute of the Executive Council he sent in June, 1853, a formal acknowledgment deferring consideration of the question. To the despatch of May, 1853, he replied (December, 1853) that disobedience might be justifiable in a Governor if he had "anything to urge not previously known to his superiors. Nothing of this kind can be alleged in the present instance. Everything which you had to say was familiarly known already." Imperatively the Governor was told to "transmit the money without delay." The insolence of office could hardly have been better represented. The Governor did not receive the despatch. He left New Zealand about the time when it was written. His application for leave of absence had been acceded to. In September, 1853, the retiring proconsul received addresses from Maoris and from colonists. Merchants, traders, and settlers at Wellington offered him a piece of plate with the inscription '*Fundatori quietis.*' Artisans executed a medallion for him. Bishop Selwyn and his clergy presented an address which Sir George Grey designated in his reply "as one of the highest rewards he could receive."<sup>1</sup>

Many Maori addresses were presented. From Rotorua, William Marsh Rangikaheke, Hori Haupapa, and others, travelled with an elaborate farewell studded with poetical imagery. Rangika-

<sup>1</sup> The various addresses presented were printed in a volume containing nearly 200 pages. 'Maori Mementos, being a Series of Addresses,' &c. C. O. B. Davis, Translator and Interpreter to the General Government. Auckland, 1855.

heke was one of those who had taught Sir George Grey many of the Maori poems and traditions. The men of Waikato presented valuable green-stone heirlooms, with a touching lamentation for the departure of their friend. Weteni Taiporutu, who was to fall in the war provoked by Grey's successor, was amongst the signers. Te Waru was one of those who wrote from Rangiaohia, where, in Grey's second term of office, Maori women and children were to be burned in their houses. The Ngatiwhatua chief, Uruamo Whangaroa, composed an ode of grief. Tamati Ngapora, the near relative of Te Whero Whero, and a Maori Christian minister, did the same. He called Sir G. Grey the father of the orphan, because he had so diligently laboured to provide schools. The Ngapuhi chief, Patuone,<sup>1</sup> brother of Waka Nene, deplored in lyric strains the roar of the waves which reminded him of the departure of his friend.

"I saw him last upon the steep  
 Where surges lave.  
 But now there's nought upon the deep  
 But one wide wave.  
 Alas! Since thou art called away  
 And we must part,  
 Oh! let thy spirit near me stay  
 To soothe my heart."

Te Heu Heu from Taupo, and Te Rangitake from Taranaki, joined in the general tribute which was rendered by the tribes from the North Cape to Wairarapa. Old Te Whero Whero, who had added Pōtātāū to his name, to signify that he had been a watcher by the death-bed of a daughter, promised to protect the Pakeha.

In addition to his separate replies, Sir George Grey published a farewell address to the Maori people, urging them to prove themselves a noble nation in the future, and to hearken to the

<sup>1</sup> Patuone was a grammarian. Conversing with Sir George Grey in front of a besieged pah, he insisted that a certain particle used in a certain correlation had no intrinsic meaning, but was required for euphony. Sir George Grey argued that it *must* have a meaning of its own—that everything had, &c. While they were speaking a shot struck the Maori flagstaff in the pah and the soldiers cheered. Patuone said: "There! you hear the Hip! Hip! Hurrah! What does Hip! mean in that sound? What is the meaning of Hurrah? Those sounds are like the Maori particle. They have no meaning, but are useful in their place."



counsels of the Bishop and the pastors, who were labouring for their welfare. Rangihaeata's farewell has been quoted already. His tribe, the Ngatitoa, with the Ngatiraukawa and Ngatiawa, at Otaki, presented precious green-stone heirlooms with an address, which attracted much attention at Wellington. "Alas! O Governor! our kind and faithful friend; it is but now that the sudden tidings of your departure have reached us. Great is our sorrow. . . . Go, then, father, with our good wishes, hence to thy native land, thy near relatives and friends; to thy Queen, and to ours. Forget us not: keep us in mind frequently. Look back upon us all, and in kindness remember us; and if, O Governor, benefactor, and friend, it should be thy determination to remain in thy native land, use thine influence, so that in the appointment of a Governor as thy successor, one may be sent who, like thee in acts of love, may preside over us, the Maoris, as well as over the Pakehas living in New Zealand." . . . . Nearly three hundred signatures were affixed, and an adaptation of an ancient farewell poem appended to it<sup>1</sup> was sung by a large number of Maoris. Afterwards the heirlooms were presented.

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<sup>1</sup> "Lo! yonder mountain stands:  
 Pukehika, whose towering peak  
 Peeps out, enwrapped in sombre cloud,  
 Itself the path by which  
 The darling object of my heart  
 Departed on his way.

"Oh then,  
 Pause for one moment—there  
 Cast back one glance on me,  
 Thus to receive one fond,  
 One last fond look.  
 Thy love came first, not mine;  
 Thou diddest first behold  
 With favour and regard  
 The meanest of our race.

"Thence is it  
 The heart o'erflows, the eye  
 Bedewed with tears doth anxiously desire  
 To catch one fond, one parting glance,  
 Ere thou art lost to sight for ever,  
 Alas! for ever!"

Old Rauparaha's son, receiving the Governor's reply, said to the Maoris, "It is true we are going to lose the Governor, but this record will remain with us for ever." "My children," it said, "it was not originally any arrangement of mine that I should come to New Zealand, to a people unknown to me, and whose language I did not then understand, so that when they came to me with complaints, I could make no kind reply to them." The Queen had sent him to allay troubles in which race strove with race. "I called upon all good men, Europeans and natives alike, to aid me, and they all arose to perform this work, and laboured hard each in his vocation. For nearly eight years we have thus laboured together, churches and schools have been raised, men have abandoned false gods, peace has been established, lands have been ploughed, mills have been built, great roads have been made, abundance prevails everywhere." Posterity would look back on the names of patriots of early days, and the names of Grey's friends would be freshly remembered. "My parting request is that you will not hereafter suffer any evil deeds to sully those names, or to obscure the good works which have been performed in this country." The chiefs shook hands with him, the schoolroom rung with cheers of the Maori children; and a newspaper, printed at the town from which Rangihaeata's blood had, a few years before, been almost with one voice demanded, declared that "no one could have witnessed the scene without feeling deeply impressed with the fact that some really good influence must have been at work to cause so great and beneficial a change in the minds and habits of the native race."

Bishop Selwyn graced a banquet at Auckland, and men of all classes joined in doing honour to their guest. When he sailed from the islands in 1853, the Bishop accompanied him. Sir G. Grey had joined with Sir W. Martin, Mr. Swainson, and others, in urging the Bishop to secure for the Church of England a system of Church government analogous to that of their kindred Church in America. The Bishop had laboured for such a result for years. Meetings had been held in the colony, and the Bishop, armed with consent of his flock, went to England to arrange if possible for the local government of his Church, by removing any relics of obstruction to its synodic action. On his return to

England Oxford honoured the successful Governor with the distinction dear to Englishmen at home and abroad. While he received the degree of D.C.L., the quick undergraduates gave three cheers for "The King of the Cannibal Islands." He became Governor at the Cape of Good Hope until new troubles demanded his return to New Zealand.

The population he left in 1853 was, of Europeans, more than 30,000; of Maoris more than double that number. The latter could only be roughly estimated, and the death-rate amongst them was known to be rapid. More than a third of the whites were in the province of Auckland, nearly a fourth of them in that of Wellington. Of the Maoris, two-thirds were in the Auckland province, and of the whole number little more than 2000 were denizens of the Southern Islands. The Customs and other revenues had largely increased during Sir George Grey's rule, and agriculture was said to be on the increase among settlers and Maoris. At Auckland and Onehunga alone £16,000 in value (chiefly farm produce) were imported in native canoes. It is proper to record such signs of material progress, but it must be remembered that they do not necessarily spring from the acts of a Government. Expansion of a young community, in pastures new, may take place in spite of the worst legislation. It is probable that in New Zealand more was due to the Governor's ability than in ordinary settlements, for on his personal relations with the Maoris depended the questions of peace or war; and confidence, the life-blood of commercial progress, could only course through a community undisturbed in its industry. The New Constitution Act (15 and 16 Victoria, cap. 72), received by Sir George Grey in February, 1853, was followed in March, 1853, by three proclamations, defining the boundaries of the six new provinces (Auckland, New Plymouth, Wellington, Nelson, Canterbury, Otago), arranging for the election of members both provincial and general, and assuming (7th March) the powers and authority vested in the Governor by the Crown. Colonel Wynyard, relieved from office as Lieutenant-Governor of the former province of New Ulster, received thanks from Sir George Grey and from the Secretary of State for the ability with which he had discharged his duties. In the close of 1853, Sir George Grey reported that the Consti-

tution was well received, that the best men were becoming candidates for election, and that, "if the Constitution is still carried out in a spirit of justice," happiness and prosperity of both races would be promoted. It was unnecessary to interrupt New Zealand story; but it is proper to mention that, on more than one occasion, Sir George Grey urged the Colonial Office to extend the Imperial Government throughout the Pacific. New Guinea ought, he thought, to be annexed. In March, 1848, he was able to say that Tonga and Fiji were tendering allegiance. Earl Grey, in the same year, declined to act upon the suggestion.

## APPENDIX A.

It is necessary to add some facts which might appear cumbersome in the text. In June, 1848, the Church Mission Society resolved that Henry Williams ought to have acceded to the Bishop's requests. They hoped he would renew his consent to the Bishop's proposals, and "thus avert the painful alternative in which they would otherwise be placed of regarding his continued refusal as a dissolution on his part of his connection with the society, which the committee could not contemplate without pain and regret." They trusted he would make reparation for his vehement letter to the Bishop. They omitted to notice that Williams' consent was conditional on "substantiation or retractation" of the grave charges against him. The Bishop made the same omission when (November, 1848) he transmitted the society's resolutions to Williams, and courteously urged him to comply with them. Williams pointed out the omission, and answered that "so long as the imputations of the Governor" were approved and supported by the Bishop he could not comply. He had courted inquiry. The Secretary of State and the Governor had refused to sanction it. The Bishop had (September, 1847) undertaken to prove that the missionary purchases had been baneful, and yet, without proof, called upon Williams to act in a manner which would imply admission of the charges. "When I am told that it is impossible to institute inquiries upon the subject, my confidence in the Church Missionary Society is extinct; for we are evidently betrayed, and my duty now is clearly that I must personally defend our cause, which I will do, by God's grace, rejecting the aid of man." The Bishop had hinted that recusancy might lead to "having the whole question reopened in the most public form in England." The Archdeacon had "no possible objection" to thorough and impartial public inquiry. A central committee of the Mission Society in New Zealand was then set in motion. Mr. Clarke was informed that in consequence of the legal decision in favour of his grants "a stronger obligation rested on him to fulfil his pledge by surrendering his surplus lands." When the Governor declined the condition that those lands should be held by "the Church for the education of the natives,"—Clarke had assigned the grants to members of his own family. This procedure was condemned by the central committee. They also blamed Henry Williams, and required him to state whether he had been accessory to the publication of the 'Blood and Treasure' despatch, and of a letter from the Governor to the Bishop. He answered: "To reply to your queries I should consider to be a degradation to my station." He

quoted a letter from himself to the society in London, stating that the despatch had not been supplied by him, and reminded the central committee that it had the letter before it.

The central committee reported unfavourably to Henry Williams,—disclaiming “all knowledge of any stipulation expressed or understood beyond the one proviso contained in the pledge itself.” His own brethren thus brushed aside the condition which in the eyes of Williams was essential to redeem his name. The missionary house was divided against itself, and the power of the Governor had borne down all resistance. The society in London, in November, 1849, made the iron enter the Archdeacon’s unconquered soul. Taking no notice of his care for his character they deemed him recalcitrant, and adverting “to the many hindrances and evils which his unhappy contention for his extensive land claims has brought upon the cause of missions,” they were “reluctantly compelled to declare the connection to be dissolved between Archdeacon Henry Williams and the Church Missionary Society.” They strove to mitigate the blow by resolving that their decision “must not be regarded as giving any countenance to the charges” of which Williams complained; and recorded “their confident hope” that the general interests of Christianity would not suffer, but would “still receive the aid of the Archdeacon’s experience and labour” in New Zealand. The resolutions were to be sent to the Bishop, to Earl Grey, and to the conquering Governor. Mr. Clarke was also dismissed. One of the grounds was his having allowed his “claims for more extended grants to be tried by the Civil Courts in New Zealand.” As the Governor had instituted the proceedings, and Clarke had not defended his case in the primary or in the Appeal Court, the sentence was scarcely defensible.

Early in 1850 the blow fell upon Williams and his friends. At Kororika the congregation bore living testimony to his worth and to his influence for good. A public man, Mr. Bartley, wrote from Auckland: “’Tis not in human nature to suppose you unaffected by this blow. Although you will bear your sorrows as a man, you must also feel them as one. In honest truth I, for one, think that you could not have done otherwise than you have done. . . . Our excellent friends . . . thought that you would have compromised your character if you had yielded. . . . I have not heard one syllable of unkindness expressed towards you here. I have heard a strong expression of sympathy.”

On the 25th May, 1850,<sup>1</sup> Williams received his dismissal. On the 29th

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<sup>1</sup> ‘Diary of Mrs. Williams.’ “I asked for news. Yes; I have news—my dismissal from the Church Mission Society. I felt all in a tremor, and yet my husband looked cheerful and happy. . . . 26th May, Trinity Sunday.—The day was beautiful on which we saw our old and much-loved home, all untouched in Sabbath peace, for the last time. We told no one. All went on as usual, but it was a great conflict all the day to keep down thoughts of our expulsion, and all its attendant cruel injustice. . . . Henry had a good native congregation. The sermon was excellent, but my attention bewildered. May 27th.—All to pack up . . . as Henry has determined to clear out this week.”

(Mr. Busby, an eye-witness, wrote), "he left Paihia, the station he had planted twenty-seven years before, and which had been the cradle of the mission, amidst the tears of the people of both races. Those who were present can testify that this is not a mere form of expression, but a literal truth. On the Sunday following he was doing the work of an evangelist in the barn of his sons at Pakaraka, where they had already commenced preparations towards the erection of a chapel for his future ministrations." There the firm old man laboured. His brother William went to England to seek justice for the grantees from the Mission Society. In 1852 he produced proofs to refute the calumny that the grants had in any way tended to create war. (1) The committee passed a resolution declaring that they had "no intention whatever to give the slightest colour or countenance to the charges complained of." William Williams subsequently brought before them the case of his brother. (2) The juxtaposition of the questions proposed by Henry Williams, and the substituted questions recommended by the Bishop for submission to the Governor, brought home to the committee the truth that they had been guilty of endorsing accusations from which they had nominally disjoined themselves. It was proposed in a sub-committee (July, 1851) to compensate the dismissed man, of whom it was now learned that he was a pensioner upon his children. A friend moved that Archdeacon Henry Williams be replaced on the society's list; but the amendment was rejected. When the compensation resolution was passed, the brother of the absent man rose and said: "I am prepared to declare that Henry Williams will not accept of any pecuniary compensation from the committee so long as their resolutions shall leave him under the charge of being unfit to remain in connection with the society. It is not a matter of salary but of character."

The Rev. E. G. Marsh drew up a statement of the case, and in reply the secretaries blundered into an assertion that Henry Williams made his chief purchases of land after the society had, in 1840, interdicted further purchases. As the last of them was made in 1837, it was hoped that conviction of error might lead to reparation; but it was slow to come. It was hard to admit that so violent a measure as the dismissal of an old servant had been rashly or unjustly resolved upon.

The Rev. J. W. Disney, of Newark, cogently but vainly brought before the society the fact that their former decision was "influenced by mis-statements;" and it was reserved for Bishop Selwyn to furnish the society with a sufficient excuse for doing justice. The Bishop and Governor Grey conferred with the society in London in 1854. The Bishop expressed a desire that Williams should resume his position. The committee unanimously resolved to request him to do so, and the secretary informed him that if the committee had "misunderstood your action, or mis-stated facts, it has been unintentional on their part, as they are most desirous of doing full justice to your character. . ." The friends of Williams were satisfied with the tardy reparation as regarded himself, but they never forgave the duplicity and want of candour with which they charged the Governor who had in a land like that of the Maori assailed the reputation, or "mana," of the venerated apostle of Paihia. Mr. Hugh Carleton, the son-in-law of Henry Williams, battled for him in New Zealand. In scathing language,



under the name of 'Metoikos,' he published in the 'Southern Cross' newspaper an analysis of the missionary case, and in 1854 he gathered his contributions together under the title—'A Page from the History of New Zealand.' To him the old man wrote (1855): "I believe the fear of that 'Page' brought them to terms. Though my confidence has ever been in the righteous Judge of all, yet I shall ever regard your untiring efforts as His means to accomplish His ends. The victory is complete."

Congratulations poured upon the victor-victim. He pursued his missionary duties. He was on good terms with the Bishop. He saw the erection of the flagstaff which replaced the one cut down by Heke. He lived to mourn over "the severe trial of another Maori war, wantonly brought on by the Governor in the forcing of a disputed claim of land at Taranaki" in 1860. "The language used by the Europeans to the natives is extremely vile, and I am prepared to expect sad work." He held his peace in public, but he wrote to a friend in England: "The country is involved in war through the folly of our self-willed ministers, men of no experience of native matters." He met and was courteously received by Grey, who, as Sir George Grey, in 1861, assumed a second time the government of the colony. He saw the grim spectre of Hauhauism stalk through the land, reviving the long-laid ghost of Maori ferocities. He saw his brother (who had battled for him before the society in London) made Bishop of Waiapu under circumstances which must have made the hearts of both brothers warm towards Bishop Selwyn. In 1847, the latter wrote of William Williams: "I cannot pretend to equal his piety or maturity of wisdom." In 1859, at a Church Synod in Wellington, the brave but modest Selwyn spoke publicly of William Williams, then about to be consecrated, as "one whose age and experience have often made me feel ashamed that I should have been preferred before him."

Henry Williams saw his brother, the Bishop of Waiapu, driven from Turanga by the Hauhau fanatics to take refuge with him, and to aid him in his ministrations in the north. When his brother returned to his diocese, Henry Williams, though seventy-five years old, continued his pastoral labours for a brief space only. In May, 1867, a tribal war was imminent near Pakaraka, concerning a boundary line, and the old man grieved that he could not as of yore rush between the combatants. He was ill, and sent his sons to essay the task of peace-making. But his own spirit was the mainspring by which peace was secured. Blood had been shed in skirmishes. The resident magistrate, a son of Henry Williams, had risked his life by riding between the combatants, and stayed the strife for a time. But the day for a general battle was fixed. In each camp the dusky heroes had prepared for strife at the coming daylight.

Suddenly rumour ran that "Te Wiremu" (The Williams) was dead. Haratua, the general on one side, exclaimed: "Naku i mate ai a Te Wiremu,—I have killed Te Wiremu." He ordered that his people should act only on the defensive. There was a truce, not formally made, but felt on both sides. Chiefs left the camp to act as mourners. Haratua was a pall-bearer, and declared that he could not fight after the ceremony. Other Maoris arriving from Hokianga aided the sons of Williams, and peace was made. Judge Maning arrived opportunely to open a Land Court,

and cast his influence in the scale. A Hokianga Christian chief, Abraham Taonui, issued from Haratua's pah with a white flag, followed by Haratua's warriors. He read from the New Testament, concluding with the text: "Blessed are the peacemakers, for they shall be called the children of God." A war-dance followed, with every show of defiance between the forces. Again Taonui read from the Testament, and at his bidding the rival forces knelt on the field and prayed for a blessing on his work. Peace-offerings and oratory were interchanged, and there was the customary feast. The "tangi" or wailing for the dead followed, and according to ancient custom Haratua with other chiefs remained to spend the night in the pah of their late enemies. All felt that Te Wiremu, in death as in life, was treasured in the hearts of the Maoris. He had originated church endowments at no less than seven places. The church at Pakaraka, founded by himself, and built by his family, was formally opened on the 27th November, 1873, by the Bishop of Auckland. The Bishop of Waiapu was present to see the fruition of one whose "works did follow him." The Bishop of Auckland reminded the Maoris that Te Wiremu feared God, and therefore had nothing else to fear.

The Maoris determined to raise a memorial to their departed friend. Matthew Taupaki, Maori minister at Paihia, gathered subscriptions in the north. A stone cross at Paihia<sup>1</sup> was unveiled on the 11th January, 1876. After the Bishop of Auckland had addressed the assemblage, the Rev. Matthew Taupaki spoke. . . "The one great moving principle which brought Te Wiremu to this island was the word of God, 'Go ye into all the world, and preach the Gospel to every creature.'" He recounted his apostolic labours, and how often he had made peace. "It is meet and proper, therefore, that we should erect this monument to keep in memory a great man who is dead." A 'Memoir' of the Life of Williams was written by his staunch advocate, his son-in-law, Hugh Carleton.<sup>2</sup>

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<sup>1</sup> The Maori inscription meant—"A Memorial to Te Wiremu. A token of love to him from the Maori Church. He was a father indeed to all the tribes; a man brave to make peace in the Maori wars. For forty-four years he sowed the Glad Tidings in this island. He came to us in the year 1823. He was taken from us in the year 1867. The tribes who raised this monument are Ngapuhi, Te Rarawa, Te Aupouri, Ngatiraukawa, Ngatikahungunu, Ngatiporou, Ngatimaru." On the other side of the bay stands the memorial erected by the Colonial Government in honour of Waka Nene, the coadjutor with Williams in securing the treaty of Waitangi.

<sup>2</sup> The 'Life of Henry Williams, Archdeacon of Waimate.' Hugh Carleton. 2 vols. Auckland, 1874, 1877.

## CHAPTER IX.

## PROVINCIAL LEGISLATURES.

WHEN Sir George Grey left New Zealand the government devolved upon Colonel Wynyard of the 58th regiment (the senior military officer) under the title of the officer administering the government. The departure of their old friend aroused a superstitious regret amongst the Maoris when they found that it was followed by an outbreak of measles which, introduced at Auckland by an American vessel, decimated tribe after tribe in the interior. It was deemed advisable that the Provincial Legislatures should meet before the summoning of the General Assembly. Mr. Weld and some others discovered afterwards that a contrary course should have been adopted, and that the powers of the Provincial Councils should have been defined by the General Legislature before the local parliaments were permitted to plume themselves upon their new honours. Sir George Grey, however, had called the Provincial Councils into existence, and on Colonel Wynyard fell the task of dealing with the larger body. The electors in the provinces chose their leading men as Superintendents. Mr. J. E. Fitzgerald was selected at Canterbury, Mr. E. W. Stafford at Nelson, Colonel Wynyard at Auckland, Dr. Featherston at Wellington, Mr. Brown at Taranaki, and Captain Cargill at Otago.

Mr. Swainson declared (1859) that the Provincial Legislatures ought to have been confined to mere municipal matters, and should have been made more dependent on the General Legislature. They plunged into what he called "a mischievous multiplicity and diversity of legislation." In three years they passed more than two hundred Ordinances. Mr. Swainson was

the chief adviser of the Acting Governor, and was not slow to put words in his mouth commending the General Assembly to enlarge and solidify the powers of the general government.

By a proclamation dated 18th January, 1854, the General Assembly was convened for despatch of business at Auckland on the Queen's Birthday, 24th May. Mr. Charles Clifford was made Speaker of the elected House. Mr. J. E. Fitzgerald and Mr. David Monro were put forward by their brother members as mover and seconder of the formal but friendly address in reply to the Governor's speech, which had pointed out the dangers which might spring from the Provincial Legislatures, the possible incoherence if not antagonism in their legislation, the duty which lay upon the General Assembly to determine whether New Zealand should "become one great nation or a collection of insignificant, divided, and powerless petty states."

Mr. Weld and his friends complained that Mr. Swainson did nothing to remedy the dreaded evils. They professed the same apprehensions. But the Assembly burned to exercise their new powers. Their appetite grew by what it fed on. There were also men among them spurred by a noble ambition. The Constitution made no provision for the creation of a responsible ministry. Representatives in the Legislature were to be called into existence, but they had been active in New South Wales in 1843, and as yet responsible government had not been established in Australia. It was to come, but it was to be provided for by special enactment. There had been no preparation for it in New Zealand at the elections. The Royal Letters Patent which made the Executive Council consist of certain functionaries had not been modified. But Gibbon Wakefield sat amongst the representatives. He stirred their minds to demand responsible government; the boast of England, the recent boon to Canada. An address to Colonel Wynyard was carried, expressing a desire for ministerial responsibility without delay. A suggestion that a select committee should be appointed to report upon the subject, found but one supporter, and the senior military officer stood in the novel position of having to solve abstruse political problems. He laid the address before his Executive Councillors with an opinion from his Attorney-General that he might go so far as to add, under existing

instructions, two or three members of the Assembly to the Executive Council, and that body unanimously advised him to do so. Mr. Swainson's opinion showed, by reference to the Constitution Act and to the Royal Instructions, that the Governor was not enabled to establish "ministerial responsibility in the conduct of legislative and executive proceedings by the Governor." Colonel Wynyard placed in the Executive Council Mr. J. E. Fitzgerald, member for Lyttleton; Mr. F. A. Weld, member for Wairau; and Mr. H. Sewell, member for Christchurch. Mr. Sinclair the Colonial Secretary, and Mr. Shepherd the Treasurer, were willing to resign on receiving fit retiring allowances. Mr. Swainson, Attorney-General, was willing to retire, with or without compensation, if the representative of the Crown should think it advantageous for the public interests. The Legislative Council then deemed it essential that a responsible member of the Government should be chosen from that body, and Wynyard at once (29th June) appointed Mr. F. D. Bell. When Mr. Bell was called away by urgent affairs, Mr. F. H. Bartley, a lawyer, was appointed to the Legislative and Executive Councils. All the newly-appointed councillors undertook without salary to represent the Government in the Legislature, to perform such departmental work as became a concomitant of their legislative duties, and to hold office only so long as they might retain the confidence of the Assembly. Both Houses applauded the arrangement. These proceedings were reported to the Secretary of State for approval.

Such hurried changes produced friction in a machinery not constructed for them. The new men found a want of hearty co-operation on the part of the old, and the representatives began to show uneasy symptoms. Mr. Fitzgerald and his friends sought to smooth all obstacles by obtaining more power. They thought a military governor would yield to the arguments of civilians. To enable them to conduct the public business they recommended, in writing, that the existing office-holders should resign, and that the Government should be "reconstituted on the ordinary responsible basis." Wynyard laid the document before the Executive Council, and said he was willing to accept the Secretary's resignation on suitable provisions for his retirement, and to appoint a member of Assembly in his room. The

Secretary had been locally appointed, but the Attorney-General and the Treasurer held Crown appointments, and while Wynyard was only temporary administrator of the Government he was not prepared to accept their resignations unless authorized to do so by the Secretary of State. They themselves, though offering to resign if called upon, declined to advise as councillors that such a step should be taken. The ruling passion of duty in the soldier was proof against Mr. Fitzgerald, who, with his colleagues, on the 2nd August, quitted the Executive Council, Wynyard having on the 1st August declined to coerce his legitimate advisers without "being favoured with the views of the Crown." "I am now called upon (he said) to form an entire new form of Government without even a reference to my Sovereign, thus throwing on me during my temporary administration a grave responsibility I am not prepared or disposed to bear." If the Home Government should approve the proposition, not much time would be lost in obtaining its sanction; if it should not approve, it was the more necessary for him to await instructions. The suggestion by the retiring councillors that the Assembly might refuse supplies, Wynyard spoke of in a subsequent message to the two legislative bodies (5th August), but did not allow it to warp him from what he thought his duty. He urged that the establishment of responsible government should be provided for by law. He was ready to consider any such measure seriously and favourably. He also urged that some useful practical measures should be passed. Mr. Sewell read to the House of Representatives a narrative of the transactions which, substantially confirming that of Wynyard, caused him to remark to the Duke of Newcastle that it was shown "how necessary it was to make the stand I did." The Legislative Council (of which Swainson the Attorney-General was Speaker) on the 10th August concurred with what Wynyard had done, and suggested that he should summon to the Executive Council some members of the General Assembly enjoying his confidence, and holding office only while they enjoyed also that of the Assembly.

It was not surprising that when brains were wanted Gibbon Wakefield was applied to. When Fitzgerald abandoned his post, Wynyard wrote: "I (with advice) requested an interview with Mr. E. G. Wakefield . . . that gentleman having

been originally put forward by 29 out of 30 members in the House of Representatives as their leader in the movement for obtaining the establishment of ministerial responsibility, and having also been its prominent leader in the opposition to the late members of the Executive Council in the Legislature."

Fitzgerald and his friends had a majority in the House of Representatives, and in reply to Wynyard's message of the 5th of August, they commented with asperity on the position which Gibbon Wakefield had been allowed to assume. He had assured the House that he had drawn up his Excellency's message.<sup>1</sup> Such a state of affairs compromised Wynyard, and it would be perilous to the colony if the Queen's representative should act without advice from the Attorney-General. Wynyard rejoiced at being able to assure them, that "throughout the emergency he had enjoyed the unqualified concurrence and support of his constitutional advisers." He begged them (15th August) to consider his former message "with a view of turning the remainder of the already protracted and fruitless session to some good account for the people of New Zealand." On the 16th, Fitzgerald and his friends, who adopted the style "We the Commons of New Zealand," said that, dismissing all that was past, they required "the immediate establishment of the Executive Government on the basis of complete ministerial responsibility."

Wynyard would not abandon his position, but (17th August) would earnestly request the Home Government to aid in establishing ministerial responsibility. He would, after a brief prorogation, assist in maturing a Bill (to be reserved for the Queen's pleasure) to bring about the required object. He transmitted on the same day a second message with a proclamation proroguing the Assembly till the 31st August. The bearer

<sup>1</sup> A droll incident brought the fact to light. When Wynyard's lengthy message was being read to the House a leaf was missing, and the hiatus caused confusion. The message declared that Wynyard "by yielding at all on the point of duty would deserve the censure of Her Majesty, and disapprobation of colonists, for having degraded — Bill, the passage of which into law," &c. Gibbon Wakefield drew from his pocket the missing page in draft, but the representatives would not allow it to be received, and the Acting Governor sent down the omitted leaf. (P. P. 1855, p. 16.)



stood at the door while the first message was read to the House ; and the majority determined to prevent the prorogation message from being received. The reading of the prorogation message was averted until, by irregularly suspending the standing orders, the majority might pass resolutions to stop supplies, and to denounce Gibbon Wakefield. Objecting members were forcibly detained, and when they attempted to escape by a gallery, Mr. Sewell thought it not unbecoming for an outgoing Executive Councillor to scramble over a railing and lock the door. Mr. Weld was silent. After a time, Mr. Mackay, a member from Nelson, obtained entrance into the Chamber, and threw a copy of the Governor's proclamation on the table. He was assaulted by Sewell and others for keeping his hat on, in which on the assumption that the House was prorogued he thought himself justified. There was a prospect of a rescue by strangers in the gallery ; Mr. Mackay was ejected, and the Speaker at last read the messages. Colonel Wynyard magnanimously abstained from exposing the actors in a scene which made the New Zealand representatives a by-word for a time in Australia.

Two days after the struggle in the House Gibbon Wakefield found his position untenable. An adviser without responsibility, conscious that the Assembly would not subject itself to his guidance, he saw that the Acting Governor shrunk from committing himself to it. A Triton among minnows in one sense, he could unfortunately do nothing unless the minnows would accept him as pilot. He sought Swainson on the 19th August, and reasoned for two hours. He recorded the interview. He described Swainson's "masterly command of the conversation by means of the highest diplomatic ability." Swainson approved of Fabian tactics until events might show in what way the Acting Governor should act. Meanwhile, though to this he did not pledge himself, Colonel Wynyard might govern under the old forms until the Home Government should instruct him. Throughout the long interview each felt that much in his thoughts must remain unspoken. Each watched the other. But Swainson's goal was duty, not ambition, and the light he walked by was not deceitful. It seemed to Wakefield that Swainson had "two distinct policies" in his thoughts. Mr. Weld said afterwards that he had but the one policy of "not committing

himself." Wakefield at once retired from his anomalous position. Swainson as well as others were relieved from irksome pressure. The doors of the Assembly were closed, but the keys of the Treasury had not been taken from the Government. The Assembly had passed no new law, and the existing law left the Government full power to apply the public revenues to the public service. Thus master of the situation, the Government ascertained that the Assembly, if convened for business on the day to which it had been prorogued, would devote itself to practical legislation and grant supplies.

A final attempt was made to introduce the responsible element so eagerly demanded. Mr. T. S. Forsaith of Auckland, Mr. E. J. Wakefield of Canterbury (Gibbon Wakefield's son), Mr. Travers of Nelson, and Mr. MacAndrew of Otago, were appointed Executive Councillors with the understanding that they would resign if they should "fail to carry with them the support and confidence of the Houses of Assembly, a new Governor be appointed, or any change take place in the Constitution." They were also to identify themselves with the policy of an address to be sent down by Wynyard to the Houses. He proposed to introduce a Bill to establish ministerial responsibility, and to reserve it for the Queen's decision; to deal in like manner with Bills empowering the General Assembly to transfer to the Provincial Legislatures its own powers with regard to waste lands; and to bestow an elective character on the Legislative Council. Other measures were announced, and it was stated that until the fate of the Land Bill should be decided, Wynyard would use his authority in setting apart not less than one-third of the waste lands in each province to encourage *bond fide* occupation, allowing rebate of passage money to settlers, and giving time for payment, but holding back titles to land "for a reasonable time." The Council, which had comported itself decorously during the session, accepted the address thankfully. The "Commons of New Zealand" no longer threatened to stop supplies if their desire for responsible government should not be gratified, but they carried an amendment on the address which compelled Mr. Forsaith and his friends to retire two days after accepting office. The address, passed by 22 votes against 11, condemned "a mixed Executive" as utterly bad.

Many members wished to return to their southern homes, and all were willing to vote supplies to the existing Executive Government, trusting that Wynyard and the Home Government would enfranchise them speedily. They promised to devote themselves to work, and kept their promise. They adopted (2nd September) an address to the Queen, praying that the necessary law for establishing responsible Government might be assented to. A fortnight afterwards thirteen Bills had been passed. A Waste Lands Act confirmed existing regulations and enabled Superintendents and Provincial Councils to recommend to the Governor any regulations for sale, letting, disposal, and occupation of Crown lands, proclamation by the Governor being sufficient to give them effect. A provincial Waste Lands Act declared it expedient that in each province there should be local control over waste lands, and provided that, subject to the Constitution Act, it should be lawful for the General Assembly to empower Superintendents and Provincial Councils to make laws to regulate the lands. The administration of revenue from lands was relegated to the Superintendents and Provincial Councils. The Act was not to go into operation until the royal assent should be notified. By a despatch from the Secretary of State, 15th April, 1855, that assent was conveyed. Even the opponents of Gibbon Wakefield admitted that he had taught them parliamentary government. The failures of Fitzgerald and Forsaith did not teach their supporters modesty. They vaunted that no Australian legislature had equalled that of New Zealand in ability; and knew not that it was by the labour of years that Wentworth, the champion of another colony, had wrought out for them and others the constitutional changes which they so strangely abused. Mr. Fitzgerald's principal achievement had been styling himself Prime Minister for little more than two months; Mr. Sewell's title to distinction was a personal assault committed upon a representative member in the hall of deliberation.

A sense of duty to his Queen had preserved Wynyard from disgrace as it has preserved so many English soldiers who make no such high-flown pretensions as were made by the civilians gathered at Auckland in 1854. Swainson was wise enough to keep him from error, and was firm as a rock to duty, though

ready to sacrifice his personal claims. Mere wisdom indeed the Governor could obtain from Gibbon Wakefield's promptings; but though all admitted that fact, no one proposed that Wakefield should be Minister himself; and an ambiguous position is never held in high regard. Mr. Weld, in an address to the electors of the Wairau (November, 1854), bitterly complained that Gibbon Wakefield had insidiously at first, and afterwards openly, devoted his "great fund of information and his activity and energy" to thwarting the "responsible-government party."

A constitutional question between the two Houses was mooted but not discussed. The Appropriation Bill reached the Council on the 15th September. The Assembly was to be prorogued on the 16th. There was in the Constitution Act no restriction upon the Council as to the right to amend Money Bills, but it was understood that the Assembly would dispute it. The Council, to avert conflict, requested Wynyard to obtain an authoritative decision from England as to its constitutional rights. He applied for it, but the Duke of Newcastle did not answer his despatches. Overtasked by the care of the colonies and the anxieties of the Crimean war, he had handed over the Colonial Office to Sir George Grey,<sup>1</sup> who had in former years been Under-Secretary there. The new Secretary answered in one letter, on the 8th December, six of Wynyard's despatches, which contained the careful opinion of Mr. Swainson on the changes which Wynyard was asked to make. Appealed to by a senior military officer accidentally confronted by constitutional problems, Sir George Grey replied in a manner which proved that reference could not have been made to a more unworthy arbitrator. There was not one word in the Constitution to provide for the establishment of responsible government. Not one word on the subject had been said in debate on the Constitution Act of 1852. Speeches must not be called in to construe a statute, but silence in this case is amply confirmed by the silence of the statute. Responsible government not being contemplated, there was no provision for vacation of seats of placemen, so that their constituents might ratify or condemn

<sup>1</sup> The prevalence of the name "Grey" in colonial affairs was confusing even to colonists, and to the Maoris must have been perplexing.

their assumption of paid office. Moreover, the duties imposed by the Constitution upon the Governor with regard to Maori affairs were utterly incompatible with responsible government in the full sense of the term. It might have been difficult for the Secretary of State to induce Parliament to alter radically a Constitution so recently framed. Even if the House of Commons should, by want of care or by connivance, sanction changes tending to disorder or breach of faith, it was not probable that Earl Derby, the Rupert of debate, would fail to put lance in rest against any proposals which would remit the Maori race to the harsh injustice of the inheritors of that New Zealand Company which he smote so sorely in 1843, and many of whose former servants were prominent in the colony. The Secretary of State became the cutpurse of the Constitution which he could not hope to mutilate by law. Many of his supporters were tainted with the vice which shrunk abashed from Lord Stanley in 1843. The Ministry was in dire distress. It required votes. Parliament, prorogued in August, had been convened for a special session on the 12th December, 1854. Lord John Russell was at his wits' end, and anxious to flee from a sinking ship.<sup>1</sup> The country rang with complaints against the inefficiency of its rulers, who left an army to die of disease or starve before Sebastopol in a place more like a quagmire than a military camp. On the 8th December, having received Wynyard's despatches on the 5th, and (so far as can be traced) unrestrained by his colleagues (Lord Palmerston, Lord John Russell, Earl Granville, the Duke of Newcastle, the Duke of Argyll, Mr. Gladstone, and Sir William Molesworth)—Sir George Grey penned a despatch which was the first step to the abandonment by the Crown of the duties solemnly undertaken in the treaty of Waitangi and renewed in the Constitution Act of 1852. He paid no heed to Swainson's wise opinion. He took "the earliest opportunity" to state that Her Majesty's Government had "no objection whatever to offer to the establishment of the system known as responsible government in New Zealand." No legis-

<sup>1</sup> It is consoling to reflect that neither Lord John nor Sir George Grey saved the Ministry. Though the former slunk from it, 23rd January, 1855, the manœuvres of the latter did not secure votes enough to ward off Mr. Roebuck's censure, which was carried by a large majority on the 29th.

lation would be required. The Imperial Government had no "desire to propose terms or lay down restrictions . . . except that of which the necessity appeared to be fully recognized by the General Assembly, namely, the making provision for certain officers who have accepted offices on the equitable understanding of their permanence." On this understanding there would be "no occasion for further reference to the Home Government," before carrying into effect the proposed changes, and "satisfying the wishes of the community." Rightly indeed did he desire to observe good faith in smaller things, but the weightier matters of the law, judgment, mercy, and faith, he discarded. He said not a word about the Maoris and their Queen, and his despatch was gloated over by those who had hardly dared to hope that the rapacity of the New Zealand Company's settlers would be glutted by command of the Imperial Government,<sup>1</sup> while Mr. Gladstone was a member of the Cabinet.

Sir George Grey furnished no advice to the soldier-governor as to the introduction of responsible government. It rested on no written law, he said, but on usage in England. Unless there were "local laws" (in New Zealand) "which would be repugnant to the new system, legislation seems uncalled for except for the very simple purpose of securing their pensions to retiring officers." Nevertheless, he was glad that the "ordinary and most satisfactory course of referring the question of responsible government to Her Majesty for complete adjustment had been adopted." He remarked that rendering the Legislative Council elective was beyond the power of the General Assembly, and condemned a plan suggested in Wynyard's message to the Houses on the 31st August, by which if the existing Superintendents and Provincial Councils should not represent the wish of their constituents on the land question, the people should

<sup>1</sup> Though Mr. Gladstone became an accomplice in Sir George Grey's despatch, in 1854, it must not be forgotten that while he was a follower of Sir Robert Peel he had written to the Governor of New Zealand (1846): "I conceive it to be an undoubted maxim that the Crown should stand in all matters between the colonists and the natives . . . the most natural and obvious mode of providing for our relations with the native tribes would be to reserve to the Crown a very large share of authority, real as well as nominal, active and not merely dormant in that department of the functions of the Colonial Government" (P. P. 1846, vol. xxix.).

“exercise their right of choosing afresh their representatives.” (If the majority should decide in any province against re-election, the transfer of powers over the land was to have been made to the existing Superintendent and Council.) By some strange misprision the Secretary of State called this plan “the foundation of a new federal convention (apart from the General Assembly) which would be an innovation irreconcilable with the existing fundamental law.” He appeared to think that the representatives “chosen afresh” would act while their dismissed predecessors were in being. A new Governor would shortly proceed to New Zealand armed with the wisdom of the Colonial Office; and meantime Wynyard was to “act on the present instructions.” In reply to the question about the constitutional right of the Legislative Council to alter Money Bills, Sir George Grey gave an opinion in 1855. Although the Constitution Act was silent on the point he thought the English analogy ought to prevail, the reason being that the Upper House was not elected by the people. Before he was superseded Wynyard displayed prudence of which his successor was found incapable. The rapacity of the settlers at Taranaki led the Maoris to form a league against sales of land to Europeans.

When Governor Fitzroy found it necessary to examine and to disallow Spain's award in 1844, he endeavoured vainly to purchase from a chief named Katatore two blocks, viz. the Mangoraka and Waiongona, and afterwards offered to some of the settlers (who had been improperly located by the company on native lands) allotments in other parts of the colony. The settlers, unwilling to believe that they would in the end fail to embroil their country, and wrest the coveted lands from the Maori owners, were loth to depart. Like their unprincipled representatives in London, they hoped that the eye of the law would not scrutinize their position. The treaty of Waitangi was by them no more regarded than by Mr. Somes. The Taranaki creed was as bold and false as his. The pretences of some were accepted as truth by others. In what purports to be a history it has been recorded that “there are strong grounds for believing that the company's claims ought never to have been brought into Mr. Spain's Court.”<sup>1</sup>

<sup>1</sup> ‘The History of Taranaki.’ B. Wells. New Zealand, 1878.



The company's local agent, Wicksteed, was in such pecuniary straits in 1844 that he was fain to accept terms which he represented to his principal as unjustifiable.

The block allotted by Fitzroy was occupied. Settlers were removed from all native lands except such as might be parted with fairly by their owners. Fitzroy arranged that the native reserves within the European block should be placed at the company's disposal; the Crown right of pre-emption was waived in favour of the company over a circumjacent tract of about 60,000 acres; and the Crown was pledged to advance funds from time to time (on security) to enable the company to buy lands therein. Wicksteed had no money, and Fitzroy accepted for the Government certain boats and stores for which he paid £382. The needy company only paid their own labourers by means of the Government dole. Some of the settlers remained on sufferance at the Puketapu block, but eventually retired, or were driven to the Fitzroy block.

To this state of affairs succeeded Sir George Grey's endeavour to supersede Fitzroy's decision, under Mr. Gladstone's instruction, that it was "hardly probable" that that decision was "just or wise." How Donald McLean prevaricated with Te Rangitake in striving to please Governor Grey, who, in order to please others, prevaricated with justice, and violated the pledges of Fitzroy, has been told already. A letter from McLean in October, 1849, summed up his doings thus:—The existing conveyances were: No. 1, November, 1844, of the Fitzroy block; No. 2, May, 1848, of a block (about 4000 acres bought for less than £200) at Tataraimaka; No. 3, August, 1847, of the Omata block, of 12,000 acres; No. 4, October, 1847, of residents' rights in the Grey block, of 9770 acres; No. 5, April, 1848, of rights of certain absentee Ngatiawas at Wellington and Cook's Straits in the Fitzroy and Grey blocks respectively; No. 6, by certain Puketapu natives, conveying lands occupied by a settler near the Hua; No. 7, November, 1848, of 1500 acres by Puketapu natives.

All these deeds left untouched the coveted lands at the Waitara, the abode of Te Rangitake. The gradual extension of rights of Europeans sharpened their appetites, and led to what McLean called an anti-land-selling league. Archdeacon

Hadfield, however, wrote (Oct. 1860) "There is no such league and there never has been any such league." Katatore led the majority, who opposed sales. Rawiri headed the malcontent minority. Maori common rights of course forbade a sale while any dissentient remained; but evil seemed good in the eyes of the settlers. Yielding to the ethics of his neighbours, one Cooper, Land Commissioner of the Taranaki district, in 1854, in spite of Katatore's well-known opposition, accepted an offer made by Rawiri to sell land. The probable result was not more doubtful than the intention to produce it. Rawiri went with an armed force to mark the boundaries. Katatore warned him to stay his hand. To prove his determination he sent Rawiri a gun to defend himself with, saying he would fight to the death rather than part with his rights. Rawiri persisted. Katatore fired one shot in the air, and another into the ground as a final signal that he would fight. If Rawiri's men had then sat down there would have been peace; but they rushed to battle. Katatore shot Paora and Rawiri as they advanced. Six fell, and more were wounded. Katatore drew off his successful men. The settlers, considering that the wounded Rawiri was serving their cause when he fell, removed him to the hospital, but he died after three days. The Maoris prepared for further strife amongst themselves, and the settlers invited the Acting Governor, Wynyard, to "execute the law against the murderers."<sup>1</sup>

The narratives of the combatants agreed as to the facts stated, and Wynyard declined to proceed against Katatore in the manner required. Arama Karaka took Rawiri's place, and there was further homicide. The immediate provocation was an act of adultery. The aggrieved husband Ihaia, a friend of Rawiri, directed a young man to shoot the offender, and was obeyed. There was more fighting and loss of life. Strife threatened to become chronic; and, to guard the settlers, Wynyard sent troops and guns to Taranaki. The pah of Ihaia was captured, and the destruction of his friends was only averted by the arrival of Arama Karaka, and by friendly settlers who supplied him with ammunition. Thus early did the settlers make common cause with Ihaia and his friends, through

<sup>1</sup> 'The History of Taranaki.' B. Wells. New Zealand, 1878.

whose agency they were to bring about the great war of 1860, and the greater war, its resultant, in 1863.<sup>1</sup>

Wynyard visited Taranaki, and strove to make peace. He reported that there were several causes of quarrel: Rawiri's death at the hand of Katatore, the enemy of land-selling; the seduction of Ihaia's wife; the killing of the seducer, and insults offered by Ihaia to the bodies of men slain in fight. Ihaia had disinterred and fired shots at the dead. Arama Karaka plainly told Wynyard that he would persevere in fighting, and that as the quarrels had nothing to do with Europeans, they should be directed not to interfere. Wynyard wrote that the feud "must be watched with care, as the connection of the contending tribes extends far north and south, and may, if neglected, sooner or later lead to a state of things such as Sir G. Grey prognosticated when applying for pensioners to be located" at Taranaki. For himself he accepted the neutral position marked out by the Maoris. He wrote, however, to Te Rangitake, urging him to prevent molestation of the English. The chief responded: "Yes, our father, we will guard against all evil to the Pakeha . . . I will go into the midst of them, and the evil shall fall on me." But Te Rangitake was to discover that amongst those whom he was prepared to protect there were intriguers against himself.

When Major Nugent, 58th Regiment, arrived at Taranaki with a detachment in August, 1855, the presence of a military force made writers in a Taranaki newspaper suggest that Te Rangitake should be driven from the Waitara. A Wesleyan missionary, Mr. Turton, sympathized with Rawiri's friends who were Wesleyans. Te Rangitake, as a member of the Church of England, was deemed a friend of the Bishop. Their chief pastors were united in preaching peace. The Waitara natives being disturbed by reports in August that the troops were about to attack them, Major Nugent went to the Waitara to disabuse their minds. He reported that the presence of the Bishop "had considerable influence in reassuring the natives." One of the

<sup>1</sup> A petition from the Provincial Council at Taranaki (hostile to Katatore and Te Rangitake) admitted in May, 1858, that "the mass of the settlers were known to sympathize with (Ihaia and others), and many of them were supplying the besieged with the "munitions of war." N. Z. P. P., 1860, E. No. 2. p. 29.

chiefs stated the rumours they had heard, and "Te Rangitake, the principal chief of the Waitara, spoke" thus: "A report was brought to us that the soldiers were about to capture myself and Katatore by lying in ambush for us. We began to be afraid, and decided to build a pah in the bush. I thought the Governor's letters were very kind. Why does he deceive me in this way? Does he want to seize me like Rauparaha, and enslave my children? If the Governor wishes to commence a war with us, he should do it honourably, and fight us by day and by night, that it may be a battle, and not murder." . . . He was friendly to the Pakehas still, and would protect them; but if they tried to shed his blood he would stand in his own defence. . . . "The thoughts of the Superintendent and Provincial Council are bad towards us. It is the land; but they will not have it while this feud lasts. That subject must be discussed quietly when the Puketapus have settled their matter. At present no land will be sold. Bishop, when you go back to Auckland give my love to the Governor. Tell him that I will not deceive him. . . ." The chief had reason for suspicion. The Superintendent and Council at Taranaki were beseeching the Government (May, 1855) to send troops thither. They declared that the predominance of the Maori, which had stunted "the growth, was threatening the existence, of the settlement." "The land question was the real basis of the native parties." Rawiri and his followers were about to cut the boundary line of land he was offering "to Government, with the sanction of the resident Land Purchase Commissioner, when he was shot by Katatore, who claimed an interest in the land and opposed the sale." . . . "Troops were necessary for the personal safety of the settlers." When Wynyard brought before the General Assembly the need of military protection at Taranaki, the House of Representatives declined to appropriate money even for the erection of barracks, because "all power of exercising constitutional control over the Executive of Government has not yet been conceded to the Legislature." Under these circumstances Wynyard applied to the military authorities, "in order that the charges already incurred might be as soon as possible transferred from the estimates of the colony."

Bishop Selwyn's presence was occasioned by a special request

of the Acting Governor, that influence might be exerted to stay bloodshed. Prompt as of old, the Bishop, with Archdeacon Abraham, and a Maori clergyman, Rota Waitoa, travelled overland on foot. The Archdeacon described their reception. "Te Rangitake's fine handsome face, and iron-grey hair, and his giant form of six feet three inches, with breadth in proportion, certainly gave one the idea of a warrior chieftain."<sup>1</sup> At daylight he paid salutations at the Bishop's tent, and breakfasted with him. The Bishop proceeded afterwards to Katatore's pah, where about a hundred men sat down to hear the visitor. Katatore, a small "cunning-looking" man, told his story. When he described the shooting of Rawiri, the Bishop interjected, "So, then, you killed an unarmed man<sup>2</sup> in cold blood for the matter of land?"—"Yes." "Then you repeated the act of Cain towards Abel, and, in the sight of God and man, are a murderer." Katatore started up in wrath, but the Bishop repeated his words, and Katatore, muttering ominously, left the assemblage which appeared more attentive to the Bishop than to him. This was on the 15th August. Rangitake "did not wish to take part in the quarrel between Katatore and Arama Karaka," but the latter had lately encroached and aroused suspicions as to his intention to "sell land to the Pakeha." On the 31st, at a meeting where Major Nugent was present, an oration by the Bishop concluded by a quotation from a Maori poet seemed to win the Maori hearts, which had been already pacified by a letter from the Acting Governor to Te Rangitake, promising that the Government would not interfere in intertribal quarrels.

The Taranaki settlers were furious against the Bishop. A newspaper (22nd August) railed at him in these terms: "Bishop Selwyn is again lending his blighting influence to New Zealand—has again taken the murderer by the hand, as he did the perpetrators of the Wairau massacre—a murderer who is without the excuse of those at Wairau, viz. that of being first fired upon. . . . It is reserved for the Bishop to use his undoubted

<sup>1</sup> Journal of a walk with the Bishop of New Zealand from Auckland to Taranaki; August, 1855.

<sup>2</sup> This description of Rawiri's death somewhat differs from the official account. The Bishop probably refused to allow that Katatore's previous warning to Rawiri diminished the crime.

influence to shield notorious criminals from justice, when those criminals appeal to his sympathies through the medium of a dark skin."

Such language was acceptable to readers amongst whom the Atkinsons and the Richmonds were about to become notorious by plunging the colony into unjust war. The Bishop did not answer these attacks directly; but, in a pastoral letter to the members of his church at Taranaki, he uttered solemn warnings. He had not spoken of the murder of Rawiri except "to condemn it in the strongest language, even in the presence of the murderer. . . . It is strange indeed that your advisers in the local newspapers, who dwell so much upon the sixth commandment, should forget altogether that the same law has said, 'Thou shalt not covet.' They may disguise it to their own consciences, but it is my duty, as a minister of the law and of the gospel, to lift up my voice against the publication of opinions which would lead on to the sin of murder as the direct consequence of the sin of covetousness. I offer to my countrymen my best assistance and influence with the native people in all their just and lawful desires, but I have no fellowship with covetousness, which Ahab found to be the first step to blood-guiltiness. . . I cannot remain silent while opinions are being expressed, which if you prove to be the stronger would destroy the New Zealanders, or if you be found the weaker, would destroy yourselves."

The Maoris at Taranaki had sold 30,000 acres at tenpence an acre. "Nothing is more easy than to extinguish the native title; nothing will be more difficult than to extinguish a native war." Te Rangitake, he was confident, had no ill-will to the English, and ought not to be "forced into a position of hostility by their suspicions and their threats." He would urge the Maoris to sell land amicably, but he would resist by all lawful means every attempt to carry out any other interpretation of the treaty of Waitangi than that in which it was explained to the natives by Governor Hobson, and understood and accepted by them." The Bishop's words were good; but so long as the Bishop might assert the claims of justice, so long would he have enemies among men quartered upon Taranaki by the frauds of the New Zealand Company and the folly of Lord John Russell,

in defiance of the sagacity and resolution of Gipps, and the honesty of Hobson.

A new Governor, Colonel Gore Browne, assumed office in September, 1855, and he visited Taranaki forthwith: it is convenient to record the opinion he then formed. He had previously written from Auckland that the colony would sustain great loss if Major Nugent should be withdrawn with departing troops. That officer knew the Maori language, and to his conduct and discretion was due the satisfactory condition of Taranaki. Colonel Browne, like his predecessors, promptly pledged himself to act honourably towards the Maoris. He wrote (20th September, 1855) to Lord John Russell: "Different despatches will have satisfied your Lordship that I have given the strongest assurances of protection in all their rights to the Maoris, and that I have declared my determination neither to interfere in native questions, nor to permit the purchase of lands until the owners are united in desiring to sell them, and have agreed upon the terms." He speedily visited Taranaki, where he held a *levée* in October, 1855, but neither Katatore nor Te Rangitake attended it. The native feud still raged, and neither of them cared to ask for safe-conduct to the *levée*, which was, nevertheless, well attended by Maoris and settlers. The Governor directed that militia should be embodied, but at the earnest request of the Provincial Superintendent and of the Land Commissioner did not reduce the military garrison. He told the Secretary of State that the warfare between the followers of Katatore and his opponents had been injudiciously aggravated by a Wesleyan missionary, a friend of Rawiri. He also "disapproved of the conduct of Cooper, the sub-commissioner, in commencing a survey of land before he was assured that all who had even a disputed title desired it should be sold." It would have been well if he had continued in such a frame of mind. A careful letter from the Rev. J. F. Riemenschneider, a Wesleyan missionary, ought to have warned him of the thorns on which he stood. It proves that even in 1855 the Ngatiruanui and Taranaki tribes sagaciously forecast the course of events; and it is melancholy to think that their suspicions were confirmed by the conduct of Colonel Browne. Mr. Riemenschneider apprised him that the Taranaki natives as well as Te Rangitake's own



tribe, the Ngatiawa, looked upon that chief as "the real and true chief of Waitara." Neither the efforts of Mr. Riemenschneider, nor the joint labours of Major Nugent and Donald McLean, could allay the feud between Katatore and Arama Karaka. Old Waka Nene, the Ngapuhi chief, lent his advice in vain. He suggested that Katatore should cede land to the relatives of Rawiri as reparation for his loss. Old E Puni, from Wellington, who was also on the spot, failed similarly; although, as a powerful Ngatiawa chief, he might have been expected to exert some influence with Rangitake and his friends. The Wanganui chief, Hori Kingi te Anaua, wrote that his people would take no part in any quarrel at Taranaki. He was ever friendly to the English. Yet no dissuasions with the hostile chiefs prevailed. Colonel Browne wrote in November, 1855: "The native feud appears to me to be much in the same condition as before."

Mr. Turton, the Wesleyan missionary (Browne wrote), had, by letters in newspapers and privately, not only "revived the old suspicion that the Europeans would not rest till they had slain and taken possession of that which the Maoris liken to Naboth's vineyard,"—but, emulous of an affray like that at the Wairau, had endeavoured to "bring Rawiri's widow to swear to the murder (of her husband) before the resident magistrate. This was prevented by Major Nugent, who inquired whether the magistrate intended issuing a warrant for the murderer, and if so, whether he had the means of enforcing it, adding that his own instructions forbade him acting in any manner not necessary for the maintenance of peace and tranquillity within the European part of the province."

Thus warned, Colonel Browne ought to have had no doubt about his duty. The significance of the opposition to land-sales was undeniable, and adherents in distant places had joined it. Only by prudent avoidance of provocation could it be hoped that it would die a natural death. To play into the hands of those whose evil designs he understood in 1855 would have seemed to be the one course which could not be expected from Colonel Browne. Yet it was the course into which in less than four years he was seduced, when he had by his side as native minister, the man whom in 1855 he found clerk to the Provincial Council, and Provincial Attorney at

Taranaki,—Mr. Christopher William Richmond. Eventually, in 1856, the native feud died out; but it was believed that sixty Maoris had been killed, and many more wounded, before a truce was made by Maori persuasion. The warfare incommoded, but did not include, the settlers. For months the Bell block and the Puketapu district were disturbed by bands of Maoris going gaily to shoot their enemies morning after morning. Bands of the Ngatiruanui, aided by Katatore and patronized by Te Rangitake, annoyed Arama Karaka, Ihaia, and their friends; and though no Englishmen were injured, skirmishes took place near their homesteads. It was a relief to all when the land had rest in 1856. The military officer in charge, the Governor, and Colonel Wynyard reported that the peace was definitive, and Mr. Labouchere at the Colonial Office congratulated Colonel Browne on the prudent measures adopted by the civil and military authorities, and on their satisfactory result.<sup>1</sup>

It is time to recur to the general condition of the colony. An earthquake early in 1855 added terrors to the difficulties of colonization. Felt even at Auckland and Otago, it was, like its predecessor of 1848, most severe on each side of Cook's Straits. White Island had a bad pre-eminence; a fresh cone rose from Tongariro; and some settlers doubted whether colonization was desirable at the risks surrounding it in New Zealand. But crowds cannot yield to impulses which require months to ripen them into action. The sale of landed property, the gathering of household chattels, the disruption of existing ties, are always painful, and to find purchasers would have been almost impossible if the necessity to sell were felt to arise from the dangers of residence. Wynyard summoned the General Assembly in August, 1855, but only the members from Auckland and Taranaki attended in strength. Two from Nelson, two from Wellington, and the notable Mr. Sewell from Canterbury, represented their constituents, and heard Wynyard declare that the Home Government offered no objection to the responsible government so hotly pursued in 1854. Pensions were to be provided for the Colonial Secretary, the Attorney-General and the Treasurer, but Downing Street dispensed with legislation to introduce responsible government, and in anticipation of

<sup>1</sup> P. P. vols. xlv. and xlvii. pp. 431 and 316.

passing his estimates and a Pension Bill, Wynyard made known his intention to dissolve the elected House, so that from their successors, chosen for the purpose, a responsible ministry might be created. The members declined to advise on the disturbed state of Taranaki, pleading that constitutional control had not yet been conceded to them. It may seem strange that they selected Mr. Sewell as their leader, but it is by no means strange that under his guidance they declined to pass a Pensions Bill, on the ground that it was improper to pay a price before receiving what they wanted to buy. They passed only three Bills besides the Appropriation Bill, and the new Governor, Colonel Thomas Gore Browne, a soldier of the campaign in Affghanistan in 1842, arrived in September, in time to give the royal assent to the Bills and to dissolve the House on the 15th September, announcing that he, influenced like his predecessor, intended to govern through responsible advisers. He would also maintain inviolate the right of the Maoris to their land. He told the Secretary of State that a dissolution was recommended by his advisers as "almost imperative in consequence of the number of seats vacated—fifteen." It was inconvenient for colonists to sail from southern homes to Auckland, and legislation was only possible by friendly compromise, for of the remaining members it was only necessary for a few to quit the Chamber in order to destroy a quorum. The Governor had interviews with Maori chiefs, and the aged Waka Nene told him that they wished New Zealand to remain under English laws. "These were my words to the first Governor, and they continue unchanged up to the present time."<sup>1</sup> Colonel Browne reported that the Maoris did not view the General Assembly very favourably, partly because they did not understand its powers, and partly because they believed it to be less scrupulous than the Queen's representative in obtaining land. He required more military force. Wynyard, as commander of the troops, agreed with him. At least 1600

<sup>1</sup> One address said: . . . "The first Governor was Captain Hobson. He died, and his grave is with us. That is satisfactory. The second was Governor Fitzroy . . . he is gone, and our hearts long after him. That is unsatisfactory . . . great is our dissatisfaction at this system of recalling Governors. . . Are you to be permanent Governor till the day of your death?"—P. P., 1860, vol. xlv.

soldiers were wanted, and a man-of-war must be attendant on the coast. After reporting his opinion, the Governor made a tour through the islands, and found signs of prosperity from the Bay of Islands to Otago. The general revenue was elastic; that derived from land sales was steady. Although the exceptionally large receipts in 1854, arising from Governor Grey's recent land regulations, were not maintained, there was evidently an increasing average demand.

On the 15th of April the Governor convened the General Assembly at Auckland. Some former members were not there. Gibbon Wakefield, being ill, was absent. The same Speaker was chosen (Clifford). Swainson being absent on leave, the obstacle to which Mr. Weld and his friends attributed their defeat in 1854 was removed. The Governor entrusted Mr. Sewell with the formation of a ministry. Mr. Fitzgerald and Mr. Weld were not at Auckland. Mr. Sewell associated with himself Messrs. F. Whitaker, F. D. Bell, and H. J. Tancred. They were formally to accept office on the passing of a Bill granting pensions to the former officials, Sinclair, Swainson, and Shepherd. On imperial subjects, including relations with the Maori race, the Governor was to hear his advisers; reserving power to act on his own opinions pending a reference to England. On all matters under control of the Assembly he would be guided by advice, whether agreeing with it or not. These terms, with certain interpretations, were agreed to. Mr. Sewell explained the position to the House, approving the reservation of Maori questions, because they involved peace or war. The Pensions Bill was vigorously debated. It was desired to limit the pensions to half the amount of the salaries, but the Governor announced that he would only give the royal assent if two-thirds of the salaries were settled as pensions. A remnant of the former opposition murmured that charges for malpractice as to land regulations and defalcation could be established against the retiring officials. The Governor declared, that if furnished with proof, he would at once recommend to the Secretary of State a summary dismissal without pension for an offender. Committees, after careful inquiry, entirely exonerated the several officers. The Pensions Bill was assented to on the 7th May, and on the same day Mr. Sewell became Colonial

Secretary; Mr. F. Whitaker, Attorney-General; and Mr. F. D. Bell, Colonial Treasurer.

On the threshold of office the new minister met a difficulty which was to distract the colony for a generation. He was called a Centralist, or an advocate of united government. He was opposed by Provincialists, or champions of provincial liberties, amongst whom Dr. Featherston, the Provincial Superintendent of Wellington, was conspicuous. After an adverse vote, carried by Dr. Campbell of Auckland, early in May, Mr. Sewell tendered his resignation; and Dr. Campbell and Dr. Featherston, successively applied to by the Governor, declined to take office. Mr. Sewell was then encountered by Mr. Fox, who, after his unsuccessful mission to England, was ill-pleased to see Mr. F. D. Bell promoted to the office of Treasurer. Mr. Bell's success in disproving Mr. Fox's charges was undoubted. Mr. Fox based his antagonism on public grounds. He carried resolutions (14th May), long celebrated as "the compact of 1856."

Each province was to retain not less than two-thirds of its net Customs revenues, and while so retaining them, should hand to the Central Treasury only half-a-crown for each acre of land sold within it. The control of the General Assembly over provincial legislation was neither to be "extended nor limited." Mr. Sewell, after vainly opposing these and other propositions as usurpations by the provinces of the powers of the general government, resigned upon a vote of want of confidence carried by Mr. Fox, who mounted fairly into the saddle of responsibility on the 20th May, 1856, as Attorney-General. He was also Premier, and intended after a short session to prorogue, in order to mature his measures for the session of 1857. His associates were Messrs. Hall, Brown, and Daldy in one House, and Mr. Richardson in the other. But the House gave him short shrift.<sup>1</sup> Mr. Stafford moved a vote of want of confidence. Fresh members had appeared on the scene after Mr. Fox's resolutions defeated Mr. Sewell, and though only in a minority of one he was outvoted at once. The resolutions which he had carried

<sup>1</sup> The reader will observe that the lawless manner in which responsible government had been forged by the Secretary of State exempted members from the constitutional necessity of appealing to constituencies on assuming office, and thus facilitated ministerial changes by intra-mural intrigues.

before taking office were not destined to disappear with his fall. At last Governor Browne procured a Ministry, formed by Mr. E. W. Stafford, Superintendent at Nelson; Mr. Whitaker was Attorney-General, Mr. C. W. Richmond was Colonial Secretary. Mr. Stafford became an Executive Councillor, but did not accept an office of profit until the following November. The three members who held offices of profit were practising lawyers. Mr. Sewell became Treasurer, and the Ministry proposed through him a Loan Bill. Dr. Featherston vainly resisted the scheme by moving that the land fund ought to contribute to the general government, and that the fortunes of the provinces themselves ought not to depend on a revenue so uncertain as that derived from land. He was defeated by 24 votes against 10. By the Government scheme £500,000 were to be raised as a charge on the general revenue of New Zealand, to be applied as the Lords of the Treasury might direct. The objects were—with £200,000 to discharge the debt due to the New Zealand Company, and repay such sums as the province of Auckland had paid towards its liquidation; with £120,000 to pay any public debt due on the 1st January, 1858; and with £180,000 to extinguish the rights of the Maoris in the Northern Island. The lands were to be provincially managed, and in the spirit of "the compact of 1856," the land fund was to be the provincial revenue.

There is something captivating to young legislators in contracting debt, and the Loan Bill (assented to on the 7th August) had the reputation of securing Mr. Stafford and Mr. Sewell in their positions. Thirty-five other Acts were passed. A Waste Lands Act was the most important. Superintendents and Provincial Councils might make land laws, the Bills being "reserved for the signification of the Governor's pleasure thereon." The Governor might, nevertheless, fulfil all promises he had made, and could except from sale land required for military defence, roads, or public buildings; and no land acquired from the Maoris after the passing of the Act could be offered for sale till the Governor had proclaimed that the native title was extinguished. A Native Reserves Bill vexed the Governor and his advisers. As introduced it preserved his position of freedom. A clause (18th) added subsequently, provided that every act

done under it should be "only with the advice and consent of the Executive Council." Either the insidious astuteness of the Attorney-General and Mr. Richmond thus early developed itself in weaving nets to entrap the Governor and make him a co-agent in defrauding the Maoris, or the possession of power had warped the minds of the Ministry, and they cast behind them their pledge that on native questions the Governor should be free from their control. Reluctantly the Governor consented to the addition of the clause. When it reached the Legislative Council it was seen to be in danger. Major Richmond, who had been Superintendent of New Munster, was in the Council. He and three others protested against the passing of the Bill. They forwarded their protest to the Governor with an address, declaring that they viewed with apprehension the future relations with the Maoris, "seeing that the first act of legislation presented to us upon native affairs is, in our opinion, a direct violation of the arrangement made with your Excellency and your responsible advisers upon your granting responsible government; in contravention of the Royal Instructions, and an infringement of the Constitution Act." They pointed out that the obnoxious clause had only been carried in the Council by the Speaker's casting vote. The Ministry, through the Colonial Secretary, Mr. C. W. Richmond, adhered to their position. They averred, illogically, that "they had no desire to trespass on the rule" respecting native affairs. The House of Representatives was unanimous, and it was improper for a minority in the Council to arrest the measure. The Ministry "strongly advised" the Governor to "assent to the Bill, and not to reserve it for the signification of Her Majesty's pleasure."

In a weak moment, of which Sir George Grey might have been found incapable, and from which Wynyard's sense of duty had preserved him, the Governor offered to assent to the Bill, on the understanding that the protest, address, and the minute of his advisers should be forwarded to England with the Bill. The offer was "respectfully accepted" by his advisers. Mr. Labouchere, the Secretary of State, vied with the Governor in ineptitude. He said that the clause was certainly opposed to the principle on which it had been agreed that native affairs should be managed; but in the hope that the Governor would

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be able to make opposite principles harmonize, the assent given by the Governor would not be over-ruled. The danger invited by such a ruling was swift to come. The body which has made one unlawful stride to power will make another, not the less surely because in the first instance it protested that it "had no desire to trespass" on the rule of right. Mr. Swainson, in a work published in 1859, uttered forebodings as to the impolicy and injustice of leaving the Governor responsible for native affairs without providing him with means. He hinted that it might have been well to withhold responsible government, at least for a time. Another New Zealand legislator (Mr. Cracroft Wilson) bluntly declared that it was a mad thing to confer such a government on a country, where all the landed gentry were savages, and most of them cannibals. A friend of Mr. Stafford's government boasted that the Native Reserves Act was an important step to "extricate the Maoris from tribal barbarism." It was, in fact, an impeachment of their guaranteed rights, and well known so to be by those who framed it. A Land Claims Settlement Act was passed after the subject had been reported upon by a select committee of the representatives. Without comment upon its principles, Colonel Browne sent the Act and the report of the committee to England, and the Secretary of State was as succinct in announcing the Queen's approval. Land Claims Commissioners were to be empowered to deal with all claims arising before or after the establishment of British sovereignty in the colony, under the limitation that any claim not notified to the Government before the passing of the Act should not be entertained. Claims already made were to lapse if not brought under the Act within two years. The undecided residues of old land claims (anterior to 1840), of pre-emption waiver claims, ten shillings an acre proclamation claims, and penny an acre claims, were to be finally settled by a Commission appointed by the Governor, which was to have the powers of a Court of Record, and to sit in public.

The remaining Acts of the session need not be expatiated upon. Nevertheless, as indications of the points which the first responsible Ministry thought it necessary to deal with, the subjects deserve brief mention. Much time was consumed in discussing the livery to be worn by the doorkeepers in the

Chamber. Privilege of Parliament; increase of the Governor's salary; winding up of the New Zealand Bank of Issue; adoption of certain English statutes relating to evidence and to the law of debtor and creditor; Savings' Bank and Trust Acts; extension of powers of Provincial Councils, so that they might deal with cases not exceeding £20, and with penalties of £100 or six months imprisonment; Marriage; Customs laws; Supreme Court Procedure; division into counties; Friendly Societies; local postage; giving Scotch law practitioners power to practise in New Zealand Courts; giving validity to certain provincial laws, land orders and scrip, were the staple of the session's labours. The last Act defined the extent to which land orders issued in old time were to be available. An order of the defunct New Zealand Company for fifty acres at New Plymouth, gave priority to the holder over lands declared open for purchase, to extent of one acre of town, twelve and a half of suburban, and fifty acres of rural land, at the holder's option. There were undisposed of, in Auckland, 219,000 acres; Wellington, 3,000,000 acres; Taranaki (New Plymouth), 25,000 acres; Nelson, 14,000,000 acres; Canterbury, 9,000,000 acres; Otago, 15,000,000 acres.

The second reading of a Native Offenders Bill, introduced by Mr. Stafford in July, was carried by 13 votes against 7. It was referred, on the motion of Mr. Sewell, to a select committee, which reported that the unusual powers embodied in the Bill were not demanded by past events, but that in a modified form it might be expedient to arm the Governor with power, with the advice of his Council, to test the proposed plan of proscribing districts in which native offenders might be harboured. Donald McLean and many Maori chiefs gave evidence before the committee. Mr. Fenton, then Native Secretary, and Major Nugent, approved of the Bill, but the latter saw danger of retaliation by the natives. The law should be temporary, and only put in force "after mature consideration." One witness thought the Bill "very objectionable." It enabled the Governor not only to proscribe districts, but to seize vessels and property. It would cause open revolt, which would combine "friends, relations, and allies." When Mr. Sewell moved the committal of the Bill, Mr. Fox

endeavoured to postpone it for six months. Mr. Fox did not succeed, but eventually the Bill was dropped. Soon afterwards resolutions were carried which recommended that during the recess the Ministry should devise schemes for the government of the Maoris, and that all departments should be under the control of responsible Ministers, subject to the accepted rule that the Governor had the option of not acting on advice tendered upon Maori affairs. It would seem that the Governor had qualms with regard to native affairs when sanctioning the 18th clause of the Natives Reserves Bill. Within a week he issued circulars (31st July, 1856) to Colonel Wynyard, Major Richmond, Major Nugent (58th Regiment); Mr. Busby, the first British Resident; Baron de Thierry; to Mr. F. E. Maning;<sup>1</sup> to other old settlers; to the Bishop of New Zealand; to missionaries, many of whom had been on the spot more than twenty years; and to Mr. Donald McLean. He wished to quote their opinions to the Secretary of State. 1. Could the management of native affairs be entrusted to responsible advisers liable to be changed on political grounds; the Governor reserving a veto, and a recommendation in reference to expenditure? 2. "Would any ill effect result from the participated responsibility involved in such a change in the system of administering native affairs?" 3. Ought the entire management to be vested in the Queen's representative? Colonel Wynyard, Major Richmond, Major Nugent, Busby, Clarke (the late Chief Protector), Baron de Thierry, and others, were emphatic in urging that the Governor should retain control. The Bishop of New Zealand; missionaries, whether of the Church of England or Wesleyan; the Roman Catholic Bishop of Auckland, gave the same advice. The Pakeha Maori, Mr. Maning, was distinct and positive in like manner; so was Mr. Donald McLean. Even Mr. Turton, the friend of Ihaia, was opposed to the project of weakening the Governor's hands. There were only two notes of approval, qualified by requirements that the natives must first be officially informed of their constitutional rights and become electors, and that the colonial exchequer should defray military expenditure if the troops should be employed against the Maoris. There was virtual unanimity against change.

<sup>1</sup> The Author of 'Old New Zealand,'—by a Pakeha Maori.

But Mr. Stafford and his colleagues were not idle. The wily Whitaker and the pervicacious Richmond worked by sap rather than by assault. On the 11th August the representatives resolved that, not seeking at present to disturb the existing "relations between the Governor and his advisers as to the management of native affairs (pending reference to the Home Government), "it would greatly conduce to peace and good government" if all departments were placed under control of the Governor's advisers, subject to the arrangement that the Governor on receiving advice might adhere to his own opinion till that of the Secretary of State might be received. When the session closed, the Ministry drew up a minute embodying the meaning of the resolution. They needed Imperial forces to support them in the quarrel they were about to provoke; and assuming that the maintenance of force by the Imperial Government was indefensible, they recognized that England should have a paramount authority in direction of native affairs. It was agreed that the Chief Commissioner for land purchases, Donald McLean, should become Native Secretary, should submit the business of the department to one of the Ministers; should be removable only with the Governor's sanction, and should have access to the Governor, with whom was to rest the final decision. It was not likely that the Maoris would remain ignorant of these arrangements. The chiefs, who were alert with regard to the House of Commons' report in 1844, watched attentively the machinations at their door.

The Governor relied much upon Donald McLean, who assured him that no doubt the Ministry would make provision for "carrying out measures for the amelioration of the native race." But the Ministry thwarted rather than assisted. The Civil List in the Constitution guaranteed an annual provision of £7000 for native education. Mr. Fox during his short term of office wished to remove £5900 of this charge from the Civil List, but the Governor would not consent. Of the Customs revenue of £112,000 not less than £51,000 were estimated in 1856 by Mr. Fox as contributed by the Maoris, and the sale of lands by the Government yielded nearly £50,000 more. Without sanction from England the Governor would not rob the Maoris of the provision for education. Other sums were voted, but un-

graciously. Messages from the Governor elicited no satisfactory reply from the representatives at a later date. They averred that they desired to respond with proper liberality; but recollecting that the Civil List provision for the Maoris "had been without the sanction of the House, and contrary to its wishes appropriated to objects over which it had no control," and, larding their refusal with several sorts of reasons, they declared that the House would "fail in its duty to the country were it in the present state of the finances to place a further sum for native services upon the estimates for the year." If they reasoned thus when panting for an Imperial guarantee for their loan,—when Mr. Sewell was about to proceed to England to urge their claims,—it was manifest that under favouring circumstances they would be transformed from beggars to dictators. They knew not at the time the views of the Home Government on control of native affairs. Mr. Labouchere, by a despatch dated 10th December, 1856, announced it thus: "Notwithstanding all the respect due to the principle of responsible government, the management of native affairs should remain for the present mainly in the hands of a Governor responsible for it to the Crown."

While straining every nerve to bring the Maoris under the yoke of an elected House, there were not wanting proofs that leading colonists were jealous of any attempt on the part of the Maoris to share in the elections. The Superintendent at Wellington (Dr. Featherston) reported in November, 1856, that thirty-five Maoris were on the electoral roll, and that it was "solely owing to the prudence of the bearer" (of his letter) that forty-nine native claimants at Otaki had not been registered. The attempt of the Maoris (or, as was insinuated, of certain missionaries) to influence elections had excited considerable indignation throughout the province, and would occasion serious disturbance "if the plot be not at once crushed by the Government." He suggested that the Government should so alter the electoral regulations as to defeat the scheme. It is due to Mr. Stafford to state that he deprecated any interference with registration of natives duly qualified to be electors. Suspicion engendered fear, and an attack on Auckland was dreaded. In September the matter was seriously taken up by the Govern-

ment. Though the rumour was unfounded, the unguarded state of Auckland was admitted by all, and it was resolved that militia should be organized and 500 rifles should be imported, with 100,000 rounds of ammunition.

The Maoris were always informed as to passing events. Governor Browne, in November, visited the Rev. Robert Maunsell's school, seven miles from the mouth of the Waikato river. It was supported by a grant from the Civil List, and ninety-seven scholars of various ages were in the Governor's opinion well taught. Several chiefs told him that the Government ought not to withdraw aid from the school. They expressed unalterable attachment to the Queen, and to Browne as her representative; but "declared in the most emphatic terms that they would never recognize the Assembly in any way, speaking of it in contemptuous terms, and calling it the English Committee."

A careful report drawn up by Dr. A. S. Thomson (58th Regiment), was transmitted by the Governor to the Secretary of State. Dr. Thomson plainly declared that in mapping out the electoral districts the Maoris had been ignored; that, unrepresented themselves, they were taxed by a Government responsible to the settlers; that Browne's reservation of native control would prove a fiction—for power would follow the purse, and injustice would be done. Either there should be Maori members in the General Assembly, or the Governor ought to have £25,000 at his disposal for Maori purposes. Dr. Thomson's ability was acknowledged, but he must have been too wise to expect that his counsel would be taken. He was a true prophet as to Governor Browne's weakness. He concluded his paper by saying that the amalgamation of the European and Maori races made it daily more probable that Gibbon's hope might be realized, and that, as a Hume had sprung from the northern savages of Caledonia, so a Maori might be the ancestor of an historian in the south. It was not surprising that suspicious Maori minds deemed self-defence necessary. Immediately after Grey's departure and the development of the pretensions of the General Assembly, or "Pakeha Committee," which contained so many of the former enemies of their race, steps were taken to give consistency to Maori aspirations. A memorandum drawn

up at Browne's request by his responsible advisers narrates that : "The first proposal for a separate native state under the Waikato chief Te Whero Whero, seems to have been made as far back as in 1854." The objects of the Maori king party were various. Some of its supporters were loyal to the Queen, and desired to assist the Government in ameliorating the condition of the Maoris. Some were disloyal. Some were provoked by "a degraded portion of the newspaper press which teemed with menaces of the time when the whole Maori race would be reduced to a servile condition." Some were prompted by doubts as to the good faith of the Europeans. Even the Stafford Government "at one time entertained a hope that the good elements in the Maori king movement might gain the ascendancy, and become the means of raising the population in the social scale." Who could blame a Maori patriot for the hope with which a grasping Ministry professed to sympathize? The selection of Te Whero Whero as king was a guarantee that the movement was not directly hostile, for the old man had been the constant friend of the English. His paramount position could be admitted without murmur, for the Waikato, though defeated by the firearms of the Ngapuhi, were perhaps the most powerful of all the tribes in the land. The league on the west coast to prohibit further land sales to Europeans, fell naturally under the protection of the Maori king, but the settlers, in their eagerness to govern, or through want of foresight, did not appreciate the importance of the Maori king or of his functions until long after the suggestion of his appointment. In one sense it might be said that the idea of a Maori kingdom preceded the English settlement. It was a project mooted in the days of Samuel Marsden to save the Maori race from degradation.

Early in 1856 the Governor appointed a Board to inquire into the land question, but neither he nor his advisers ascribed any importance to the king movement, or to the land sales prohibition league. He desired to know whether a Maori selling land "could not be made to a degree answerable for subsequent claims?" Of Major Nugent, who sat at the Board, Colonel Browne reported that "it is not easy to over-rate his ability and knowledge of native affairs." Under these circumstances it was mischievous to make Mr. Ligar, the Surveyor-



General, chairman of the Board, for he was conspicuous in no good sense. Evidence was taken from McLean, Bishop Selwyn, Mr. Whiteley, a Wesleyan missionary, and many others. Tamati Ngapora, the future counsellor of the Maori king, was examined. The report of the Board was that "generally there is no such thing as an individual claim, clear and independent of the tribal right," that "each native has a right in common with the whole tribe over the disposal of the land of the tribe," and that "the chiefs exercise an influence in the disposal of the land, but have only an individual claim like the rest of the people to particular portions." On this head there was scarcely any difference or doubt among the witnesses, several of whom were Maoris. Rare instances to the contrary were mentioned by two or three persons. Mr. Brown, Superintendent at Taranaki, said: "I do not think that any native has a strictly individual claim to land." Mr. Busby (formerly British Resident) emphatically stated that "the Government should decline purchasing disputed lands." Strangest of all, considering the part he was to take at Taranaki, McLean said: "I do not think that any native has a clear individual title to land in the Northern Island." Mr. Whiteley, after twenty-three years' residence, was equally positive. "No native has anything more than a right to individual occupation and cultivation, or locating a house on the land. If a sale is to be effected the sanction of the tribe is required." Riwai-te-ahu said: "I consider there is no individual claim. They are all entangled or matted together—the children of our common ancestor claiming the land bequeathed to them." The Board discovered also that as land was heritable in the female as well as in the male line, intermarriages between members of different tribes caused an involvement of titles in two tribes which it was highly dangerous to endeavour to dispose of by any rash purchase. The report was laid before the New Zealand representatives in July, 1856, and was sent to England. A chief, Hira Taiwhanga, made statements which ought to have made Browne's advisers pause if their intentions were honourable. A drunken American settler named Marsden had killed a native woman Kerara, in November, 1855. She was a Rotorua woman, but was murdered near Auckland. The man was tried and convicted, but not hanged until delay made the Maoris suspect that the woman's death

was to be unavenged. They had demanded the surrender of the murderer as soon as his victim was buried. They asked if Englishmen thought them cattle to be slaughtered. Three hundred and seventy men went in their own vessels from Maketu to Auckland, intending to cut down the flagstaff if Marsden should not be hung. There had been meetings at Rotorua and elsewhere as well as at Auckland. Governor Browne's absence in the south delayed his decision upon the murderer's case. There were proposals to seize upon Auckland, or to retaliate by killing some European. A clergyman remonstrated against the sending to a magistrate of a violent Maori letter, threatening war against the Government. Moderate counsels prevailed, and it was determined to wait until the Governor should decide upon Marsden's case. Colonel Browne saw a letter from one chief to another, containing the ominous words: "I and my people were within a little of standing up and calling upon the whole island to join me in contending with the English for the independence of this island which has been trampled on; also on account of this murder. . . . Had this murderer been acquitted I should have given my voice for downright open war. As it is, the judge and the jury of twelve have consented that the man shall die, and that is satisfactory." Chiefs with their retainers arrived in Auckland and demanded justice. Colonel Wynyard attended a conference. To the Maori mind even the trial of the murderer was a mockery, inasmuch as he had never denied his deed. On the 12th February, the man was executed: but the Governor was so impressed with the difficulties of the situation that he assumed the responsibility of detaining the 58th Regiment, then under orders to leave New Zealand. Colonel Wynyard and the Executive Council concurred in the retention of the troops. The Stafford Ministry could only rely upon them for the coercion of the Maoris. Yet Browne, though he co-operated with his advisers, distrusted their motives. On the 14th February he wrote: "Political dissensions have been for some time and still are the bane of this colony" . . . "elements of discord between the races are in existence, and imprudent legislation or interference with the rights of the Maoris would fan them into a flame not easily extinguished. . . . I shall view with

apprehension, and object to, any attempt to alter the provisions of the 73rd clause of the Constitution Act, or to bring the powers thereby entrusted to the Governor in any way under the control of the Assembly."

But while the Governor was thus reasoning, his Ministry were intoxicated with power and thirsted to enlarge it. In March, 1856, he devoted a despatch to the subject. It came to his knowledge that different opinions were entertained about the 73rd clause. If his views were correct the chief Land Commissioner must take orders from the Governor alone. "If the power of interference with the natives is confided to gentlemen liable to the pressure of public opinion, and whose tenure of office is dependent on the confidence of a public assembly, it will be impossible to foresee the result." He urgently referred the Secretary of State to Chief Justice Martin, who was returning to England, and was intimately acquainted with the subject. Mr. Labouchere scarcely rose to the necessity of the case. He dallied with it. The Palmerston Government comprised great names, although Gladstone, Graham, and Sydney Herbert had withdrawn because of the Crimean Inquiry Committee. Lord John Russell, after showing his incompetence at Vienna, had slunk from the Ministry to avoid censure; but Sir G. C. Lewis, Sir Charles Wood, Mr. Labouchere, Mr. Lowe, Sir Richard Bethell, Mr. Horsman, and others remained. The Crimean war was at an end. The Treaty of Paris was concluded before Governor Browne's despatch reached England. But other matters occupied the Ministry. Baron Rothschild and his fellow-Syrians were to be admitted into Parliament, and a new Abjuration Bill was in the Commons; Lord Granville was to go as ambassador-extraordinary to attend the coronation of the Emperor of Russia; public attention was more intent on the Rugeley poisoning case and the Robson and Redpath frauds than on the fortunes of a rising colony or the fate of the Maori race; and if there was any superfluity of care for distant events it was to be expended in punishing the Chinese for seizing a piratical lorcha manned by Chinese but claiming to sail under English colours. Governor Browne was informed that "Her Majesty's Government consider that, notwithstanding all the respect due to the principle of responsible government, the

management of native affairs should remain for the present mainly in the hands of a Governor responsible for it to the Crown." "Until further instructions" he was to pursue his previous course. These qualifications as to scope and duration of his control were calculated to stir up the local Ministry to further encroachment on his functions. So little did Mr. Labouchere foresee the result that he did not lay the despatches on the table of the House of Commons. From April, 1854, till July, 1860, they slumbered in recesses, from which they were to be produced only when the nation was startled by a new crisis. Sir George Grey had in 1853 been deemed competent, and a listless public assumed that all must go well under Colonel Browne. For Mr. Labouchere, warned as he was by the Governor, there was no excuse.

Meanwhile the Governor, with the help of McLean, wound up some disputes (clinging to the land purchases, thought to have been finally made by Sir George Grey), and struggled for a time to resist the tendency of his advisers' opinions. What both he and they ought to have foreseen took place. In November, 1856, the District Commissioner apprised him that there was to be a great assembly of Maori chiefs at Taupo. The main object was to check the decline of the Maoris, and the principal weapon was to be an arrest of land sales to the Government. While the Commissioner wrote the Maoris worked. Te Heu Heu was the moving spirit, and he called the meeting at Taupo. A missionary at Taupo, Mr. Grace, was reported by McLean to be aiding and abetting the Maori schemes, and the Governor was moved to procure Mr. Grace's removal by the Church Missionary Society. Browne reported that Te Heu Heu's assembly separated without effecting much beyond "a declaration by certain tribes that they would not permit land to be sold to the Europeans." But the Maori king movement may be said to have taken shape at Taupo. It was not then linked with the anti-land-selling league at Taranaki, nor did Te Rangitake ally himself with the king movement. But the object of both was the same. The "mana" of the Maori chiefs was to be carefully guarded. The collective title of the tribe was to be scrupulously respected. No sales of land by individual members of a tribe could be valid without sanction of the supreme tribal authority. That some "mana"

existed and was recognized among the Maoris was not unknown to the English, for McLean declared before the House of Representatives, with regard to the Taranaki territory, that "on each occasion on which the Ngatiawa sold land there they sent a portion of the payment to Waikato as an acknowledgment of conquest, or of the right of 'mana' possessed by the Waikato chiefs as their conquerors." The Ministry, however, were too much bent on their own aggrandisement to care for any of these things. But the Governor was ill at ease. It appeared that the more reflective Maoris were unsettled in their minds, and the impulsive could less and less be restrained. The labours of the English Committee and the Ministry were bearing fruit. Colonel Browne wrote (18th February, 1857) that it was difficult if not impossible to satisfy "views opposed to each other, as those who want land and are in no way responsible for the manner in which it is obtained, and those who, like Mr. Mantell, consider the colonial government bound to care for the interests of the natives."

Early in 1857 the future Maori king-maker, Wiremu Tamihana Te Waharoa visited Auckland to lay the Maori grievances for the last time before the Governor. He it was who, as Tarapipipi, in 1844, peremptorily exacted restitution of property taken from settlers by Maoris returning to their homes from the great meeting at Remuera. His resolute character might have warned the Governor's advisers against lightly offending a chief so wise, so influential, and so friendly, at a time when the Maori mind was excited by suspicion and distrust. Yet Mr. Gorst distinctly records the fact that Te Waharoa was denied access to the Governor, and that McLean, the Native Secretary, refused him the common favour of a loan to enable him to erect a mill. A friend to whom he complained said that the chief must help himself. He went home, resolved to ask no more favours, and in February, 1857, sent a circular "to all Waikato," declaring that his tribe, Ngatihaua, agreed that Potatau should be king of New Zealand. "Be speedy. You will write to the remote tribes that they may hear." Potatau was loth to assume authority, and when he yielded claimed only the title "matua," or father. When it was known that, thus stirred, the Maoris were to assemble at Rangiriri in May, 1857, the Governor's


advisers were alarmed, and a valuable paper prepared by Mr. Fenton guided their action. Colonel Browne, Mr. C. W. Richmond, and Mr. McLean started for Rangiriri. The meeting had been postponed. They journeyed to Otawhao in the Upper Waikato territory. Mr. Fenton joined them. They met Te Heu Heu, the Taupo chief, who bitterly told them that the lowest Englishman was hospitably entertained by Maoris, but that a chief of high rank visiting Auckland was rudely neglected by the Pakehas. Moreover, the debased English who lived in Maori districts committed wrongs for which there was no redress. The Maoris would have a king and assemblies of their own. They would not interfere with English settlements, but for the English in native districts they would make laws. Commencing mildly he rose to Maori oratoric heat, and said that in what the Maoris were doing they were advised by a Pakeha. The Governor rode on to Rangiaohia, a district smiling with Maori cultivations. There he received loyal salutes and addresses, but found the new movement stirring the Maori mind everywhere. He returned to Rangiriri. Potatau met him at Paetai. Chiefs made speeches to him. They wished to have runangas (Maori assemblies), a resident magistrate, and law administered locally. Browne assented, and was cheered. Potatau approved. He oracularly said he was a dying man, but would be guided by the Governor, and would bequeath his people to his care. "Enough," he said; "give the runanga, give the law, and the magistrate. It is ended."<sup>1</sup> Mr. Richmond distrusted the chief's "apparent acquiescence." He considered him "a profound diplomatist."<sup>2</sup>

Browne returned to Auckland, fondly hoping that the king movement was annihilated. He mentioned in a despatch, 13th June, 1859, that the war-canoe in which he ascended belonged to Potatau, and "was steered by his son." After the Governor's departure the real Maori meeting began. The Ngatihaua planted a new flag; white, with a red border and two red crosses as symbols of Christianity, and the words "Potatau, king of New Zealand." Ceremonials occupied a few days. The Union Jack was hoisted near the new flag. Takirau tied the flags together, saying: "Our king will be friendly with the Queen,"

<sup>1</sup> Evidence of Heta Tarawhiti, N. Z. P. P., 1860. F. No. 3, p. 52.

<sup>2</sup> Richmond's evidence, *ibid.* p. 53.

and asking for the blessing of God on New Zealand. Wiremu Nera, an old warrior, second in importance only to Potatau, deprecated the new flag. "He was content with that of England. It is seen all over the world, and it belongs to me. I get some of its honour. What honour can I get from your flag? It is like a fountain without water." The king-maker was sorry his "father had spoken so strongly." He wanted order and laws, which a king could give better than a governor. But if the flag was not liked let Rewi pull it down. Without a word Rewi threw the flag at the foot of the Union Jack and sat down. The act of casting down the Maori flag was construed as intended to show the utter subjugation which Wiremu Nera seemed to court. Rewi, the Ngatimaniapoto chief, who thus acted was to become a moving spirit in the long wars which were to afflict his country, and the special appeal to him implied that his opinion was greatly regarded. He was then about fifty-four years old. Like the king-maker, he had not the statuesque and striking countenance so common amongst Maoris. Wiry in frame, he was more powerful than its proportions betokened. But his eyes, reflective and sagacious in repose, literally flashed with lightning glance when he spoke with fervour, and seemed to defy by their rapidity of movement the attempt to fasten upon his gaze. What he resolved upon it was believed he would grimly do. Tarahawhaiki angrily rehoisted the flag, saying he loved New Zealand. Te Oriori declared that his word was ever to keep the land, but he desired to reverence both the Maori king and Queen Victoria. Tarapuhi deprecated the making of a king. Untrodden paths were tangled. Such would be the new way. Let all adhere to the way of the first Governor, who gave friendship, love, and kindness, and had been imitated by his successors. Te Whero (to be known in after years as the ally of the English in the field of battle) followed in the same strain; as did Wiremu Nera. Waata Kukutai said: "Let the flag stand, but wash out the writing on it." He would remain the Queen's subject. Again Tarahawhaiki rose; a ferment was beginning when Hoera called out: "Let us pray." Silence ensued; he read prayers, and the meeting was closed. On the following day Potatau appeared with his friends and spoke enigmatically, recommending religion, love, and unity, and





concluding with a song. Hoani Papita cried: "Fresh water is lost when it mingles with the salt." He would set up the king. He sang a song, whose burden was that the land should be retained. Two thousand Maori voices joined in chorus. The violent Te Heu Heu then spoke of Maori wrongs until other chiefs restrained him. The king-maker said the work would not end soon. Heta Tarawhiti entreated his countrymen to cling to the good law and learning of England. Hemi Putini asked Potatau to declare his thoughts about the flags. Paora placed the new flag near the king's, and marked a ring round each which Rewi deepened. Kukena, uncle of Potatau, amid deep silence lowered the king's flag and tied it half-mast high to the English flagstaff. More speeches and songs followed. In the evening Mr. Fenton addressed the chiefs in their own tongue, and urged them to act in concert with the Government. On the following day the king-maker's friends despatched the flag to summon more chiefs to induce Potatau to become king or appoint some other chief. Again a runanga was held, but at this time at Ihumatao on the Manukau, within a few miles of Auckland. Bishop Selwyn and Mr. Buddle, a Wesleyan missionary, were there, and warned the chiefs of the danger of their project. At Ihumatao the speeches were like those at Rangiriri. Friendly chiefs visited the Governor at Auckland, but even they expressed jealousy of the Pakeha Assembly and desired one of their own.

From Rangiaohia, Hoani Papita and other chiefs wrote a long letter on the 10th June. "We are here gathered together to appoint a king to check the evils amongst us." They quoted St. Paul to show that the king was the minister of God for good, and would execute wrath upon evil-doers. They had heard that the Europeans were opposed to their projects, but could not understand the justice of such opposition. "It will be better for the Pakeha to be friendly to the Maori, and let the love of God govern both; that is, the law of love." They had heard that Mr. C. O. Davis was accused of inciting them to elect a king. That was utterly untrue. They had long ago thought of doing so. "It was commenced by Te Heu Heu, who proposed it to Potatau, afterwards by Hoani, and after that by Wiremu Tamihana Te Waharoa. If you disapprove of this act of God, take back your Gospel also. Let it not rest upon us, and let

our island be a heap of dirt." The Governor told the Secretary of State (12th June, 1857), that he apprehended "no sort of danger from the present movement," which was "arrested" (he trusted), but was "too deeply rooted to be eradicated by argument or persuasion." He considered the "time critical, and that much good or evil must result from the manner in which we now act or neglect to act." A code of laws adapted to Maori needs should at once be prepared, and circulated in the Maori language. In the preparation of the code the services of Mr. Frederick Dart Fenton were enlisted. A solicitor by profession, he had arrived in New Zealand in 1850, and rented land from the Maoris on the south bank of the Waikato river. After a time Sir George Grey offered him a civil appointment (in the Deeds Office), which he accepted, and afterwards quitted in order to become resident magistrate at Kaipara. In March, 1856, he became temporarily Native Secretary to Governor Browne. Mr. McLean then became Native Secretary and Chief Land Commissioner, and in the latter part of the year Fenton was appointed resident magistrate at Whaingaroa. Thence he was summoned to act as magistrate at Waikato in order to redeem Colonel Browne's promise in April, 1857, at Rangiriri. He laboured at disadvantage. Donald McLean strove to obtain the appointment for another, and detracted from Fenton's ability so rashly as to tell a committee that Fenton had "little or no knowledge of Maori language."

The aspersion was confuted sufficiently in 1860 by Archdeacon Maunsell, who in publishing a second edition of a Maori grammar expressed his acknowledgments to Mr. Fenton as "one of the few who had studied the Maori language grammatically," and who had "carried the work through the press."<sup>1</sup> In the mean time, however, McLean's opposition to Fenton was insidious and injurious. In March, 1857, Mr. Fenton had drawn up a careful statement of the condition of affairs,—the doubts and desires

<sup>1</sup> The liability to error on the part of those who did not study the language grammatically will be understood when it is mentioned that the inflexion of possessive pronouns was so nice, that by a slight variation of a word meaning "your"—the phrase, "That is your cooking-vessel," conveyed to the Maori mind either, "That is your vessel" (to be used for your culinary purposes)—or, "That is your vessel," i. e. the one in which you shall be cooked.

of the Maoris,—their plans for creating wholesome jurisdiction among themselves, to replace their waning polity of the past—their proposition to create a king, and to establish order. He saw “the aspect of a new people agonizing in the birth-throes of order.”<sup>1</sup> He proposed that the Governor should assist them; that the villages should nominate native magistrates whom the Governor should appoint, and who would be aided in their work by officers of the Government.<sup>2</sup> The Governor and the Ministry lauded Mr. Fenton’s zeal and ability, and thereby increased the chagrin of McLean, who, as Native Secretary, was (under the relations established between the Governor and his advisers) a permanent officer under the control of the Governor, and nominally if not practically exempt from that of Mr. C. W. Richmond, who, as Treasurer, was also responsible adviser on native affairs.<sup>3</sup> McLean, as Secretary, received correspondence, and forwarded it with remarks to Richmond, who transmitted it with minutes to the Governor, whose decision it was McLean’s duty to carry out. Occasionally Mr. Richmond requested to see drafts of letters written in obedience to the Governor’s directions, and he held that it was “the business of the Native Minister to originate advice.” On the 6th May, 1857, the Ministry recommended Fenton’s appointment; on the 9th the Governor sanctioned it, and on the 11th Fenton was informed that on the recommendation of the Colonial Treasurer he had been appointed resident magistrate for the Waikato and Waipa districts. Detailed instructions were given to him. His appointment was in compliance with “the earnest request of the natives.” The Ministry considered that “such a people, impossible to govern by any external force, promise to become readily amenable to laws enacted with their own consent.” They proposed to enlarge the number of native assessors who had been instituted by Sir G. Grey. Fenton was directed by the Governor to prepare a draft code of concise laws to be “forwarded to Ministers for their consideration and amendment.”

<sup>1</sup> N. Z. P. P. E. No. 1, C.

<sup>2</sup> This was not a new idea. Acting-Governor Shortland (Despatch 89; 30th October, 1843) told Lord Stanley that he agreed with Protector Clarke that the time had arrived for the “establishment of Native Courts.”

<sup>3</sup> Evidence of Mr. Richmond, N. Z. P. P., 1860. F. No. 3, p. 52.

It seems unaccountable that neither the Governor nor the Native Minister suggested that Fenton should communicate in any manner with the proposed king. It is equally strange that Mr. Fenton did not visit him. Mr. Richmond, in giving evidence in 1860 before a Select Committee, was asked whether the Government subsequently attempted "to remedy the oversight," and he said, "I think not." He pleaded that the Ministry had "no medium of communication except the Native Secretary's office," but his plea was inconsistent with the elaborate minute of the Ministry on Mr. Fenton's duties and appointment, and with a minute of his own (approved by the Governor), directing Fenton (17th June, 1857) to correspond with the Treasurer (Richmond).<sup>1</sup> Mr. Fenton visited Waikato in July. His Journal is in the New Zealand blue-books.

Crossing from Onehunga to Waiuku without any attempt to conciliate Potatau at Mangere, he found Rewi at the mission station Kohanga, with a band of Ngatimaniapoto. Rewi hoped Fenton would visit him at Kihikihi, and was told that to prove his earnestness he must build a court-house. In fact, the Maoris built court-houses in many places. Waata Kukutai—the electic, who had said, "Let the flag stand, but wash out the writing on it"—sat with Fenton at Taupari, in an unfinished building. The proceedings were conducted with decorum, and "Kukutai acted well, with courage and judgment." Holding meetings at various places with various tribes, finding encouragements in one place and discouragements in another, Mr. Fenton recorded in his diary (10th August) his dissatisfaction with Potatau. "I wish this king business was at an end. It is a great obstruction to me, and unsettles the minds of the natives. I cannot help thinking that Potatau is doing all he can to prevent the movement from dying out. . . . Spite of his pleasant words at Paetai, I have no faith in him." . . . Ngaruawahia is to be the residence of the king. . . They have also rechristened the island. New Zealand being a Pakeha name they have rejected, and now they call it Aotearoa, the name of one of the canoes that carried an immigration hither. . . . Potatau is a stupid old man, and perhaps has no other motive than the gratification of his pride." Colonel Browne

<sup>1</sup> N. Z. P. P., 1860. F. No. 3, p. 141.

also spoke contemptuously of Potatau. To the Secretary of State he described him "as almost in his dotage." Mr. Fenton was not long in doubt as to the consequence of neglecting Potatau. He left Auckland without making any arrangement to visit the king expectant, and at Onehunga was separated only by the narrowest part of the Manukau waters from Potatau's abode at Mangere; so narrow indeed that the places are now connected by a bridge and causeway. Still Mr. Fenton, uninstructed by the Government and unprompted by wisdom, made no sign of friendship with the chief, or of desire to consult him. There is reason to fear that Donald McLean, jealous of intrusion by Fenton in the domain of Maori affairs, encouraged Potatau's people to thwart the intruder. Potatau made up his mind without delay. He issued his answer to the proposal of the king-maker, and he dated it 14th July, 1857: "Friends,—Salutations to you. Your word has reached me, and I have considered it. Formerly I did not approve of it. Now I will abide by it. . . . But guide the plough aright. Let the line be straight." An enigmatic song preceded his signature. While the ink was hardly dry which had recorded Fenton's disparagement of Potatau, the Maori letter accepting the kingship was placed in Fenton's hands at Whatawhata. He had not thought the chief would "speak out so plainly." "Government cannot longer pretend ignorance of this movement. At the same time it would be highly injudicious for the Government to take any step which would appear to offer hostility to Potatau." Fenton thought he should be quietly spoken to, and told that the annual payments made to him would be withdrawn if he persevered in incommoding the magistrates. But the die was cast when the Governor, the Ministry, and Mr. Fenton passed by the old man to whom the Governor had promised that he would grant the runanga, the law, and the magistrates.

On 14th August, Fenton saw a document signed by fifty of the king-maker's tribe, agreeing to recognize the king. Soon afterwards he saw an enigmatical Maori letter written by Mr. C. O. Davis. Mr. Davis had resided in New Zealand long before Captain Hobson hoisted the English flag there. He was afterwards clerk and interpreter, but resigned his office early in

1857, because he "considered it an intolerable burden to continue in it any longer."<sup>1</sup> He then handed a paper to the Native Minister on the critical condition of Maori affairs, and the confusion which was created by the absence of system in dealing with them. He was unalterably of opinion that there should be three distinct departments for the conduct of native business:— One to deal with the natives, under a Native Secretary; another to despatch all legal business connected with the natives, under a Native Counsel; a third to deal with land matters, under the Land Commissioner. The first he said could be efficiently administered by Mr. Fenton with the writer's aid. He arraigned the policy of making gifts to the Maoris with which McLean was identified. The consolidation of the departments would be fruitful of evil. To unite the Land Office and the Native Secretary's was fraught with danger. No man was supposed to know more of Maori customs than Davis, and he professed to be alive to the dangers of the king movement. But his advice fell vainly upon the armour of the Government; and McLean would suffer no rivalry in Maori knowledge. It was insinuated that Davis treacherously corresponded with chiefs. The Governor sent to England a letter written by Davis to a Taupo chief in June, 1857, which, though allegorical in language, was deemed an encouragement of the king movement. A few days after Fenton read Potatau's acceptance of the kingship he deemed injudicious a letter from Davis which was shown to him. In one point he agreed with Davis. He declared that the fusion of the Land Department with the Native Secretary's was evil. "I cannot banish from my thoughts the conviction that a considerable part of the present uneasy and suspicious tone of the Maori mind is to be attributed to that unhappy union and its consequences."<sup>2</sup> . . . Sir G. Grey always had his own private interpreter; and Ministers, I respectfully state, made a great mistake in striking that officer from the Civil List. . . . The chiefs are anxious to see the Governor and tell him their cares. It is well that they should do so, for his Excellency ought to rely on nothing but the best information." Mr. Fenton was right. It cannot be imagined that if the Governor had seen the king-

<sup>1</sup> Evidence of C. O. Davis. N. Z. P. P. F. No. 3, p. 21.

<sup>2</sup> Fenton's Diary, 17th August, 1857. N. Z. P. P. E. No. 1, C. p. 27.

maker early in 1857, he would have sent him away in dudgeon, as McLean did, to give shape to the agitation for a Maori king. The Governor himself was unconscious of the sapping process by which his discretion was about to be undermined. The power which struck off his interpreter was gradually growing. His Native Minister was ere long to conceive that he was specially fitted to solve the Maori problem, and warp the Governor and the Colonial Office to abandon the principles upon which Maori affairs had been conducted by Governors. The new system, however, could not be enforced without troops, and the web in which the Governor was to be enmeshed was slowly to be woven. In sending a magistrate to Waikato all parties agreed, and there were profuse expressions of a desire to aid the Governor loyally. In spite of obstacles, Mr. Fenton, with the assistance of Kukutai and others, strengthened the attachment of many to the Queen, but it was plain that a majority in Upper Waikato adhered to their king. In the end of August, Fenton returned to Auckland. A Select Committee in 1860 reported that, excepting the omission to visit Potatau, Fenton's journey was decidedly successful, and that he was singularly well qualified for his task. To whom the blame for that unfortunate omission was due—"whether to Mr. Fenton; the Native Minister (C. W. Richmond); or the Native Department" (D. McLean); the Committee could not say. McLean at an early date complained that Fenton's proceedings caused ill-feeling among the Maoris, and that efforts to introduce grass-seeds bred suspicions that it was intended to "subdivide their tribal lands." He alleged that by cultivating the acquaintance of the younger chiefs, Fenton irritated the elder and more important. If McLean strove to allay rather than aggravate the irritation, he failed. He had an interview with Potatau, who said that he would leave Mangere and reside at Waikato, which till then, though solicited, he had declined to do; that he was no longer consulted as in former days (by Sir G. Grey), and changes were made without his concurrence.

As a proof of the confusion denounced by Davis, it may be mentioned that while Mr. Richmond, the Native Minister, stated that Ministers were "powerless in the matter" of the omission to conciliate Potatau, because they "had no medium of com-



munication except McLean's office," McLean himself stated that he had "no opportunity" to remedy it because Fenton "received his instructions from Richmond." Fenton stated that he had no instructions to visit Potatau, and though it occurred to him that it might be beneficial he was restrained by a fear that his "visit might be construed into an unauthorized interference."<sup>1</sup> He was recalled to Auckland to prepare a book of "Laws for the use of the natives," and was informed that in future he was to send to the Native Secretary a copy of every communication he might make respecting native affairs. The Governor was confused by the contention for power between Richmond and McLean. He had directed in August that all magisterial business should be divided into "two classes, European and native." On the first, magistrates were to address the Treasurer; on the second, Mr. McLean. "When the correspondence is of a mixed nature they will address both departments simultaneously." Mr. Richmond shrunk from a system which withdrew native affairs from his cognizance, and the Governor shrunk from making any changes without the sanction of the Secretary of State. The arrangement of 1856 provided that in all native affairs the Native Secretary's advice should reach the Governor through the hands of a responsible Minister, and Colonel Browne would not depart from it. His advisers refused to aid him in measures of defence. "I told them (he wrote 8th August, 1857) that if they would undertake to provide, or cause the province of Auckland to provide, proper accommodation for (H.M. troops) I would not remove them. My advisers, however, distinctly decline to do so."

Having composed a great part of his treatise, Fenton asked the Treasurer's permission, in November, 1857, to return to Waikato, and was told to write through McLean's office on the subject; and was subsequently ordered by the Governor to remain in Auckland till otherwise instructed. The attitude of the Maoris was beginning to alarm Colonel Browne. By McLean's advice he saw Tamati Ngapora, the chief adviser of Potatau, and was assured that the Maoris did not desire to throw off their allegiance to the Queen. Tamati Ngapora was a Maori clergyman,

<sup>1</sup> N. Z. P. P., 1860. F. No. 3 contains the evidence of Messrs. Richmond, McLean, and Fenton.

Waipa river, and he overheard conversations about the Maori king which were discontinued when he was known to be an auditor. He made no progress with the king-maker; but the influential Te Oriori was complaisant to him. What might have been the result if McLean had been loyal or considerate cannot be predicated. As it was, the hopes founded on the proceedings of the Governor at Rangiriri were doomed to disappointment. Fenton's office came to an untimely end. Friendly Maoris sent a chief to ask the Governor to fulfil his promises. Their emissary failing to obtain an interview with the Governor, returned in disgust, and his friends joined in the king-movement to which they had previously been opposed. Mr. Gorst remarked with some sadness that it is useless to conjecture what might have been the result if active efforts to govern and civilize the Maoris had at this time been persevered in.

A Committee appointed in 1860 to inquire as to the abortive effort to introduce civil institutions in Waikato, reported that they could see no sufficient reason for the withdrawal of Mr. Fenton, and that it had disheartened the friendly Maoris. How the king-maker Waharoa answered an invitation to appear before the Committee will be seen hereafter.

No sooner had the blundering of the Ministry alienated the influential chiefs and brought Mr. Fenton's mission to an untimely end, than the Maori king was duly installed at Ngarua-wahia. The constitution of the Maori power was thus recorded by Mr. Gorst: "As the European magistrate left the Waikato, Potatau went into it, and was duly installed king in April, 1858." Colonel Browne hoped that by neglect the movement would die, as Waka Nene advised him to permit it to die: but under advice of Mr. C. W. Richmond<sup>1</sup> and his colleagues, the Governor

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through the sea of crossing opinions, the Governor could "not agree with the Committee in thinking that Mr. Fenton's task was attended on the whole with success."

<sup>1</sup> It has been the contention of Mr. Richmond and his friends that they loyally abstained from pressing their views upon Colonel Browne. Mr Richmond admits that the Governor felt the indignity of the British position, and "frequently discoursed with the Attorney-General (Whitaker) and myself on the possibility of a change. . . It may be thought as I speak of these conversations that we were the advisers of the Governor in native affairs. This was not so. . . The only person who had the Governor's confidence was Donald McLean . . . and for my part I can

was himself about to take a step at Taranaki which was to fan the embers of distrust into flame, and furnish the natives with what had been so long dreaded by prudent Europeans—a common wrong. Minor causes paved the way for the final act in the tragedy. The withdrawal of Mr. Fenton gave offence to all natives who had co-operated with him in Waikato. Waata Kukutai averred that it grieved them, and turned many from the Queen to the King. Ruka Taurua corroborated his evidence. The brave and pious Rev. Heta Tarawhiti thought that if Fenton's work had not been checked his proceedings would in the end have won the approval of Potatau, and that when he was withdrawn the friendly natives deemed that the Governor's promise had been broken. Reihana Porutu agreed in the main with Kukutai. Hone Wetere, a Ngatimaniapoto chief, distinctly declared that his tribe only joined the king party "because Mr. Fenton had given up going to Waikato." Mohi te Rongomau was of the same opinion with regard to his tribe, the Ngati-hourua. The people were pleased with Fenton's administration of law. Now "I only am left within my boundaries." Takerei te Rau, who averred that he had specially requested that Fenton should be appointed magistrate because he knew the Maori language well, declared that there was no fault in Fenton,

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truly say that I never possessed his confidence in the slightest degree. He talked to Whitaker and myself on this particular matter more as lawyers. I mention the matter to show what Governor Browne's real aim was—namely, to put down the fighting which he felt was a disgrace, as he would so say, to 'our flag;' and that throughout the initiative was taken by the Governor" (MS. by Mr. Richmond written in 1878). The foregoing extract is made from a paper furnished to the author by a highly honourable gentleman who (after the outbreak of the war in 1860) became a colleague of Mr. Richmond, and remains his friend. Mr. Richmond seems to under-rate the influence of mind upon mind. The more the Governor respected Mr. Richmond, the more would his judgment be unconsciously warped. The MS. above quoted, adds that before Colonel Browne went to Taranaki he "brought before the Executive Council the often-mentioned subject of proclaiming British law in Taranaki . . . and we thought it not a bad opportunity to declare that no more fighting would be allowed in the neighbourhood of our settlement. This was a reversal to some extent of Governor Wynyard's policy of absolute non-intervention." Mr. Richmond's explanation removes from the Governor and his advisers, in 1859, none of the blame cast upon them in the text; nor is it compatible with the elaborate advice tendered by Mr. Richmond in September, 1858, on native affairs.

and that his detention by the Governor in Auckland was injurious. Three other chiefs supported Takerei's views. He added a commentary which has at all times been true in New Zealand: "There are respectable Pakehas whose thoughts are good according to their views, and there are low Pakehas bent upon evil. There are also Maori chiefs whose thoughts are bent towards good, and there are common persons who are arrogant in their behaviour like the low Pakehas. There are also conceited Pakehas, who without provocation speak contemptuously to the Maoris; and there are conceited Maoris who speak contemptuously to respectable Pakehas without provocation. The low Pakehas mean murder. It will be well for you to look into this matter, for with you the law is old, with us it is a child; and the thoughts of the Maoris have not been applied to the system of the law. Those low Pakehas, therefore, constantly err. It will be for you, the great Runanga,<sup>1</sup> to see to this. . . . A single individual should not presume to sell land, whether in the west or in the east, in the north or in the south. It should not be yielded to the control of one man. If the great Runanga of all the tribes consented, then only would it be right; but for one man to sell his land would not be right."

It is fair to mention that the sagacious Tamati Ngapora, Potatau's counsellor, stated that Fenton's mission created divisions, and that Potatau ought to have been consulted before the magistrate was sent to Waikato. He admitted that Kuku-tai, Takerei, Te Kereihi, Te Oriori, Te Wheoro, and a few others supported Fenton, but Kereihi (after Fenton's withdrawal) subsequently clung to Potatau. Potatau's friends were numerous. Ngapora named Te Heu Heu, Rewi, Te Wetini, and a host of others. The good Sir William Martin could not see that Fenton's withdrawal was necessary though he admitted the influence and sagacity of Tamati Ngapora. Not in those days subjected to the malign control of his advisers, Colonel Browne wrote of the retiring Chief Justice (17 Sept. 1857): "The unblemished conduct of Chief Justice Martin, his learning, piety, and absolute independence of local politics, have given him great influence over both Europeans and natives, and he

<sup>1</sup> He was addressing the Waikato Committee in 1860. The above extracts are from the evidence taken. N. Z. P. P. F. No. 3, 1860.

enjoys the universal respect and esteem of all classes and both races. The utmost that can be desired is that his successor may be his equal." Enough of the evidence has been recorded. The Waikato Select Committee of 1860, presided over by one of the Cabinet in which Richmond was Minister for Native Affairs, reported that "with the light of two years' experience since that time before them they could not perceive sufficient reasons for suspending the work on which Fenton was engaged,"—and their verdict must be confirmed by any impartial inquirer. Though withdrawn from Waikato, Mr. Fenton was retained in the service. He became assistant law officer. For the want of co-operation between him and McLean, the Select Committee relieved Fenton from blame. The discord between McLean and the Ministry seemed to the Committee fatal to any plans for the good of the natives. McLean himself, when he thought it consistent with his sense of importance, advised the Governor to send another magistrate to Waikato, but it was then too late to undo the mischief reprobated by the Waikato Committee.

It must ever seem strange that when rumours of disaffection were flitting through the air, like bats in the darkness, the Governor and his advisers relaxed the restrictions upon the acquisition of firearms by the natives. Within six months the Maoris were said to have possessed themselves of thousands of firearms, together with ammunition. Even when Waata Kukutai implored the Governor by letter to prohibit their sale (October, 1858), neither Mr. Richmond nor the Governor would take warning. The wisdom of Sir George Grey had no imitator. In 1858, the General Assembly found that a blunder had been committed, and recommended that there should be no further relaxation. Internal strife was promoted by the arming of a warlike race. Te Hapuku was taunted with selling land. "As he had sold the forest, he must cook his food with his ancestors' bones." He resented the affront; and, when at war, said in vindication—"A blow is soon forgotten, but an insulting speech lives for ever." The incensed chief was besieged, and when it was thought that a crisis was approaching, the Governor sent nearly 300 soldiers to Port Napier to avert it. McLean entreated both sides to accept a peace. Te Hapuku was allowed to march off, with the honours

Maori revenge. Mr. Parris, who had in 1857 been appointed Commissioner for the district, reported that it was at the instigation of the Rev. Mr. Whiteley that he persuaded Te Rangitake and Ihaia to consent that the latter should leave the pah, and the former should then destroy it. With characteristic treachery Ihaia laid his plot to destroy Te Rangitake, and it was by the "opportune arrival" of Mr. Parris himself that the ambushade was discovered and thwarted. Ihaia lived to take part with the English in actions against his countrymen, and died of intemperance and disease in 1873. He had been enslaved in the Waikato district, and profited by the general emancipation of their slaves by the Maori chiefs. He was of small stature and mild aspect. In a narrative written by one of those who sympathized with his strife against Katatore, it is stated that "one who knew him well declared that he was neither true to his race, his tribe, or to the British."<sup>1</sup> As Colonel Browne wrote frequently about Ihaia and the settlers who connived with him, it may be well to show the workings of the Governor's mind before he became mere clay in the hands of the Ministry.

(22nd January, 1858.) "I have expressed strong disapprobation of the conduct of the gentleman who communicated with Ihaia after the murder, though in so doing I have little doubt he was actuated by the best motives. I regret our inability to vindicate the law by seizing Ihaia and his accomplices in his own district, but have desired that no communication should be held with them, and that they should be informed that if found within the English settlement the law will be allowed to take its usual course."

(6th April, 1858.) (While Ihaia, with from one to two hundred followers, was besieged by Te Rangitake with about 600), "as the settlers' sympathies are generally with the besieged, there is constant danger of collision between them and Te Rangitake. . . . Ihaia in his letter offers to surrender himself unconditionally to me, and submit to be tried by English law, the full consequences of which he seems not to have been aware of.<sup>2</sup> . . . Should Ihaia be willing to go to the Chatham Islands,

<sup>1</sup> History of 'Taranaki.' B. Wells, 1878. New Zealand.

<sup>2</sup> Ihaia perhaps relied upon the offices of a jury composed of his Taranaki friends.

but persuasion prove ineffectual upon Te Rangitake, the civil authorities have been directed to appeal to the officer commanding, (whose instructions) are briefly to effect the removal of Ihaia and his party, for whom a vessel has been chartered, peaceably if possible, if not by force. . . . I have directed a gentleman in the Native Land Department to inform Te Rangitake that I adhere to my determination not to interfere with either party, but that I will not permit any more bloodshed." (Colonel Browne's position was difficult, but he could not fail to see that in dissuading Te Rangitake from avenging, in open war, the assassination of Katatore, and in providing an asylum for Ihaia who was abetted by the settlers, he ran risk of being deemed sympathetic with the criminal who was thus shielded from Maori punishment and exempted from trial by English law.)

(17th May, 1858.) "My anticipations have been fully realized (as regarded Te Rangitake), the chief who threatened to fire on the troops or any one else who attempted to interfere on behalf of Ihaia. Te Rangitake submitted at once to my decision, in reference to the removal of Ihaia, but the latter having received reinforcement and promise of further aid, declined to accept the interference which he so earnestly solicited in his letter. . . . I should also add that the settlers openly avow their desire to possess the land which was the original cause, and is now the chief subject of dispute between the contending chiefs." Just at that period (18th May), Mr. Richmond, the Native Minister (one of the Taranaki settlers), explained in Parliament "the views of the administration as to the government of the natives." Without a measure "to promote the acquisition by natives of individual titles, and to accelerate the extinction of the native title, we think that any native policy must be incomplete. . . . The Constitution Act reposes in the General Assembly an immense trust—a power which has been regarded with great jealousy by some friends of the natives. But I, sir, hold that the native needs no protector in this House." In sending to the Secretary of State a printed copy of Mr. Richmond's speech, the Governor wrote (7th June, 1858), that with two exceptions he agreed with it. "I entirely demur to the opinion that the natives need no protection. I know of no more practical proof



of the incorrectness of this statement than the pressure which is daily brought to bear on the Executive Government by the inhabitants of New Plymouth (Taranaki): that it has been hitherto resisted redounds to the credit of the Executive, who know that I have both the power and the will to support them; but if that power were surrendered no Ministry could hold office in opposition to the wishes of the settlers, whether they were or were not in accordance with justice to the native race." On the 9th June, 1858, the Governor transmitted a memorial from the inhabitants of New Plymouth to the General Assembly, and said, with regard to a charge that Ihiaia and his congeners, in whom the settlers took "deep interest," had been refused the assistance of the Government, "This is the gravamen of the complaint, and I therefore state distinctly that I am most anxious to acquire land at New Plymouth . . . to obtain this desirable object I will, however, never permit land to be taken without the consent of those to whom it belongs, nor will I interfere to compel an equitable division of common land among the respective claimants as desired by the memorialists. . . . This decision is not less one of expediency than of justice, for the whole of the Maori race maintain the right of the minority to prevent the sale of land held in common with the utmost jealousy. . . . Te Rangitake has no sort of influence with me or the Colonial Government. We believe him to be an infamous character, but I will not permit the purchase of land over which he has any right without his consent." On 14th October, 1858, he forwarded a formal memorandum, signed by Mr. Richmond on behalf of the Ministry, and contended at great length against the "expediency of subjecting the management of native affairs to the control of the responsible Minister which is inferred throughout the memorandum." Up to this date it seems that Colonel Browne resisted the persuasions of his advisers, and they were constrained to wait until he could be seduced into some questionable act which would provoke strife, from which, when once committed to it, the gallantry of a soldier would prevent him from shrinking. His good genius still prevailed in November, 1858, when Mr. Carrington, one of the evil spirits of Taranaki, sent to England, through him, a letter urging "that the treaty of Waitangi, being no longer valuable to us, should

be broken." The Governor would not trouble the Secretary of State with any remarks "on such a document." In March, 1859, Carrington again importuned Colonel Browne. He learned "with deep concern that special instructions from Her Majesty preclude his Excellency from coercing a minority of the natives into selling their lands,"—and that his Excellency, considering such a "proceeding impolitic and unjust, would never sanction it." Carrington urged that he really meant well towards the Maoris, and that it was cruel to prevent a minority from "selling their equitable portion of waste land, subject to the approval of the Chief Land Purchase Commissioner." The Governor replied that he had been inaccurately reported, but that Her Majesty's Government had conveyed to him an "unqualified approval of his views." He was therefore "unable to adopt" Carrington's. Thus he wrote on the 25th March, and thus he may have thought. But already on the 8th he had entered upon the unjust course he denounced, and Whitaker, the Attorney-General, laughed in his sleeve when he saw a soldier committed to a quarrel, which a morbid sense of honour might constrain him to pursue after it was found to be unjust. One Cutfield was the appropriately-named Superintendent of Taranaki, when Colonel Browne was drawn into the conspiracy of the settlers to rob the Maoris of their cultivations in 1859; but Carrington rose afterwards to the same distinction, for which his sympathies fitted him.

The Governor's contention against the plans of his Ministry, as shown by the foregoing citations from his despatches in June and October, 1858, calls for some description of the measures devised for the control of Maori affairs. In the meshes of law both the rights of the natives and the conscience of the Governor might be inextricably confused. Bills to regulate the local affairs of native districts, and provide for administration of justice therein, were introduced. Mr. C. W. Richmond made an elaborate speech on the 18th May, 1858, on the native question. It was separately printed, sent with his compliments to various friends and public men, and forwarded by Colonel Browne to the Secretary of State. There were three courses open to the Government: (1) To recognize native customs; (2) To enforce British law; (3) To insinuate, or induce the

acceptance of British law. The first was not worthy of adoption. Of the second Mr. Richmond said: "All rational settlers are agreed that here in New Zealand it is neither humane nor possible. The third, which was "Sir George Grey's view," the Ministry would follow, avoiding his shortcomings. The labour was gigantic, but the British Government were bound in honour and conscience to perform it. The Maoris, moreover, were "a reasoning and a reasonable people . . . by nature venerators of law . . . the structure of their society aristocratic, verging upon democratic. . . . They are not a people who brook despotic rule. They have always been accustomed to debate their affairs in popular assemblies. These are striking coincidences with the qualities which have ever distinguished the races from which we ourselves sprung—striking resemblances to the Teutonic peoples." Mr. Richmond read an Act passed by an assembly at Taupiri. "An assembly to consider whether pigs shall be fastened by the leg or conveyed to another place. After this assembly all pigs going at large or devouring crops may be caught. Any one who sees the pig may catch it. When a man has caught a pig at large or trespassing, he must go and inform the owner, and the owner shall pay him one sixpence, and fetch the pig that has been fastened." At Whaingaroa a law was declared to be "settled by the assessors of the Queen and the Governor." In Waikato alone six court-houses had been erected by the Maoris for the European magistrate. The natives were "anxious and prepared for some better system, such as we are proposing." One grave question remained. "Without a measure to promote the acquisition of individual titles, and accelerate the extinction of the native title, any native policy must be incomplete." Mr. Richmond acknowledged the deep obligation of the Government to the missionary body. "We have found amongst them our best counsellors and safest agents. We believe that the natives cannot be efficiently governed without their co-operation. We, at all events, have not attempted and shall not attempt to dispense with that co-operation." Alas! for the shortsightedness of man. Mr. Richmond was honoured by many friends. His judgment was deemed sound; and yet within two short years he was found vigorously hostile to the ablest and most distinguished

of the body whom he had lauded as the best of counselors; while, to make the contrast more significant, the retired Chief Justice, Sir William Martin, combined with Bishop Selwyn to seek justice for the Maoris aggrieved by Richmond's advice.

Under the Native Districts Regulation Bill, the Governor in Council—not the Governor—was empowered to proclaim districts and make regulations. Amongst the enumerated powers were “the suppression of injurious native customs,” and “ascertaining, prescribing, and providing for the observance and enforcement of the rights, duties, and liabilities amongst themselves of tribes, communities, or individuals of the native race in relation to the use, occupation, and receipt of the profits of land and hereditaments.” As far as possible, general assent of natives was to be obtained as the Governor might think fit; but the word of promise thus graciously offered was counteracted by a provision that “the issue of any order in Council shall be conclusive proof of such general assent to any regulation thereby made.” If the Governor could be induced to commit a wrong, Mr. Richmond and Mr. Whitaker deprived him of all power to retract. The subjugation of the Governor to his advisers was the battle-ground taken up in the Legislative Council against the Bill. Ever, where Mr. Richmond's name assumes prominence as adverse to Maori rights and disloyal to the word of the Queen, the reader may remember that the crafty Attorney-General was an unseen but potent accomplice. But vainly did Major Kenny, the Chief Justice, Mr. Swainson, and Colonel Wynyard oppose the Bill. The Attorney-General declared that the fate of the Ministry was involved in their measure. Chief Justice Arney demanded information. The Government must condescend to give particulars. He would not degrade himself to “a position something between a registration officer and a printer's devil.” The Attorney-General produced voluminous papers, and carried his Bill on a subsequent day. A Bay of Islands Settlements Act was reserved for the Queen's pleasure, but powers were thrown upon the Governor and not upon his Council. The populous north, where the Ngapuhi dwelt, was more charily handled by his advisers than more distant places. But they carried through the House of Representatives an

insidious measure to deprive the Maoris of the electoral franchise. They wished to annul all titles to land except grants from the Queen. As a step in that direction they provided that in future no man should vote except in right of property held by title derived from the Crown. But though the Representatives passed the clause the Council was neither so grasping nor obsequious. Swainson, the late Attorney-General, declared that "it would be better for the Governor of New Zealand to cut off his right hand than to give such a measure the sanction of his name." Colonel Browne reported that the obnoxious clauses were rejected, and the natives were left to "enjoy the electoral privileges conferred on them by the Imperial Parliament." The attempt to withdraw them was only one of a number of floating symptoms which showed how the European flood was rising, and the Maori was to have no rest for the sole of his foot. Earl Grey's attempt to evade the Waitangi Treaty was not forgotten. The Board appointed to investigate the land question in 1856 had recommended, and the Ministry desired, to sweep away Maori title and substitute grants from the Crown. And now, in the elected Assembly, a Bill had been passed which, but for Mr. Swainson and a few others in the Second Chamber, would have forcibly deprived the wealthiest Maori of the suffrage, unless he would crouch down and abandon his hereditary rights guaranteed by the Queen, and would submit to the arbitrary dictates of "the English Committee." Flesh and blood could hardly be cool under such circumstances, and Maoris were more careful of their honour than even of their flesh and blood. They had Pakeha friends who magnified the dangers. Old Rauparaha's son once declared at a great meeting, in set terms, that a white man, whom he named, was responsible for the disaffection which lurked in the Maori king movement, and the violence it produced. With his despatch narrating the failure of the attempt to deprive the Maoris of the franchise, the Governor forwarded lengthy minutes drawn up by Mr. C. W. Richmond and by Mr. McLean. Mr. Richmond's paper was dated 29th September, 1858, and contained seventy-one paragraphs. It was a code for the control of the Governor as well as of the natives. Colonel Browne sent his own comments with Mr. Richmond's paper. The latter described

the measures of the session of 1858, as "the first attempt of the colonists of New Zealand, in virtue of the powers of representative government now conceded to them, to grapple with the difficulties of the native question." The presence of increased military force would "greatly forward any efforts for the permanent amelioration of the condition" of the Maoris. He defended the "Native Territorial Rights Bill," which the Governor had reserved for the signification of Her Majesty's pleasure. The Governor was to be empowered to issue certificates of title to land to a tribe, community, or individual. Questions of title were to be determined by the Governor in Council. For alienation from Maoris to private Europeans, where permitted, the sum of ten shillings per acre was to be paid into the Treasury. The Governor was not to have power to grant more than 50,000 acres in one year, and his power was to cease in December, 1861. Mr Richmond's avowed object was to commute Maori titles into English fee-simple, and accelerate the extinction of the native title; and the Bill was a first step in that direction. Asseverating repeatedly that the Ministry had no desire to encroach upon, but merely to establish a conservative influence over, the Governor's policy, Richmond expressed a hope which he could hardly have entertained, that the Secretary of State would think the House of Representatives liberal and moderate. Donald McLean's protest against the Bill was recorded, and as it animadverted on a Draft Bill not passed, Mr. Richmond could not refrain from saying that the Native Secretary was "quite unjustified in referring to it." The pith of the matter may be gathered from one sentence, and the Governor's comment on it. Mr. Richmond sneered at the "right of the natives," to what was "really a gratuitous concession by the Government." The Legislature, he said, would "not trust Governor or Ministers, both together, with any such extravagant discretion as an unlimited power of granting away the Colonial territory in fee-simple." The Governor replied: "If the land of the Maoris can be shown to be 'colonial territory,' this remark might be admissible; but if the interpretation put upon the treaty of Waitangi by Her Majesty's Government be worth anything, the fallacy of the Treasurer's remarks is self-evident."

McLean contended, "in contradistinction to the views of his Excellency's responsible advisers," that the Governor should retain control of native affairs. The natives understood the principle which the Governor's power involved. It was of "paramount importance" to maintain it. "It must be admitted," he said, "that the most harmonious relations now subsist between the two races . . . serious inconvenience would ensue from conceding to the representatives of the settlers the entire control of native affairs, nor is it believed that the continuance of the present friendly relations is at all contingent upon such a concession." Colonel Browne advocated the maintenance of the Governor's powers; and enclosed remarks and citations by the late Chief Justice Martin on the whole question. The New Zealanders had constantly resisted, even to blood, any encroachment on their territorial rights; and Mr. Martin declared that they were not "less disposed to resist now." The passage of the Territorial Rights Bill through the Legislative Council had been peculiar. The Governor wrote that he had in March, 1857, shown his Ministry a draft despatch to the Colonial Office recommending certain alterations in the Constitution Act. They wished him to withhold his despatch, and promised to introduce measures in the local legislature to effect the Governor's object—"to secure to individual natives by a Crown title lands belonging to themselves." He withdrew his despatch, but was surprised to find in the Bill prepared by his advisers restrictions to which he could by no means consent. He told them so. They persuaded him to let them inform the Legislative Council that he approved their other measures, and conceal his disapproval of the Territorial Rights Bill. The other Bills, thus vouched, were passed after severe debate; the Ministry threatening to resign if they were defeated. They withdrew this threat as to the Territorial Rights Bill, but still kept the Governor's disapproval out of sight. By one vote, in a House of thirteen members, the Bill passed in the Council with an amendment reserving it for Her Majesty's pleasure. Colonel Wynyard, commanding the forces; Major Richmond, formerly superintendent of New Munster; Major Kenny, commanding the New Zealand Fencibles; Mr. Swainson, formerly Attorney-General; Mr. Gilfillan, a merchant, and Mr. Harrison, a solicitor, voted



against the Bill. The Chief Justice was absent from the division, but had spoken strongly against impairing the Governor's powers. A technical amendment was required to be made (under a provision which enabled Governors to suggest amendments in Bills which had passed both Houses), and Browne consented to recommend it on condition that the House should be informed of his objection, and his intention not to recommend that the Queen should assent to the measure. He gave this information in a message under his own hand to the House. There was some murmuring at the past concealment of the Governor's views, but the Bill passed through its last local ordeal. Mr. C. W. Richmond urged that it would have been unconstitutional to refer to the Governor's opinions earlier than he did: but as he had been careful to make known the Governor's approval of the other Bills, the excuse convinced no one. Colonel Browne kept his promise by recommending that the Queen's assent should not be accorded; and he warned the Secretary of State that if the Crown had insisted on a proprietary right to all unoccupied land when the Queen's authority was proclaimed, "it could only have been established by a war of extermination; and even now, if such a claim were openly preferred, there is scarcely a chief from the North Cape to Queen Charlotte's Sound who would not rise in arms against us, and feel it a duty to do so." The despatch which explained how the Ministry tricked the Assembly with the Governor's name was shown by him to his advisers, and they employed the Attorney-General (Whitaker) to draw up a memorandum impugning the Governor's statements; to the substantial accuracy of which the Governor nevertheless adhered, and was borne out by the memory of the Chief Justice (Arney). Mr. Whitaker only gibbeted himself by causing reference to his own speeches in which he earnestly represented that the Governor was in favour of the Bills. Soon after the passing of his measures, Mr. Richmond added to his own labours, and the dangers of the country, by assuming, in name as well as fact, the office of Minister for Native Affairs. Mr. Donald McLean's fears were destined to be justified at an early date.

The English Ministry which received Colonel Browne's despatches was that of Earl Derby, who had succeeded to power

when Lord Palmerston seemed ready to change the law of England to please the pseudo-Napoleon. Placed in office by a majority of 157, Lord Palmerston was ejected by a majority of 19 for appearing to truckle to a crowned perjurer. Sir Edward Lytton was Colonial Secretary, and the Earl of Carnarvon as Under-Secretary answered Colonel Browne on the 18th May, 1859, shortly before the Derby Ministry was superseded by the ever-resilient and again popular Palmerston. In defiance of Colonel Browne's vigorous protest against subjecting the Governor to the Ministry on native questions, it would have been difficult for any Minister to approve the Territorial Rights Bill, and it was disallowed. Lord Carnarvon violated the maxim that he whose word is a command does wrong when he gives reasons. He coursed round about the question of Imperial responsibility, which could not at that moment be abandoned. He could not recommend that Her Majesty should assent to the Native Territorial Rights Bill. So far as it related to Maori titles he suggested, with a wonderful imperception of incongruity, that what was aimed at might better be secured by cautious enactment of rules respecting occupation of land, contemplated in the second section of the Act to regulate the local affairs of native districts. As the section related only to cattle trespass, about which the Governor in Council might make rules, it would have been difficult to make a worse suggestion. Titles to land were not within the purview of the section; and, if they had been, the contention between the Governor and his advisers about control of Maori affairs forbade the application of it in this case. The Maoris knew better than Lord Carnarvon the difference between their titles to land and the damage which a law of impounding could redress, and could not be favourably impressed by a recommendation that titles should be dealt with under a clause which was intended for a totally distinct purpose. They were wiser than Lord Carnarvon if he thought they could thus be duped; and to imagine that, not being duped, they would accept his proposal, was to betray on his part a simplicity vainly sought in them. However, the documents transmitted by the Governor and the conflicts of past years produced the needed effect. The military power requisite to enforce the measure, the tortuous method it proposed for undermining

Maori titles and enabling settlers to purchase lands, and its evident tendency to substitute local for Imperial control while yet large parliamentary grants were annually made, barred the measure from the Royal assent. Lord Carnarvon could not approve of the Native Districts Regulation Bill in its existing shape. It invested the Governor in Council with "virtual power" to make laws affecting "that remarkable race," the Maoris. It "omitted to secure to the Crown its customary right of disallowance." Loth to disallow the Act altogether, Lord Carnarvon left it to its operation so that the Legislature might amend it by enacting that regulations under it should be subject to disallowance by the Crown.

A matter much discussed in 1858 deserves separate mention. The representatives passed a resolution that the opinion of the British law officers should be asked for on the claims "preferred by aboriginal natives under the 7th and 42nd sections of the Constitution Act" to votes for members of parliament. Practically the opinion seemed unnecessary, for in one of the documents transmitted by the Governor for the consideration of the law officers it was stated that the "dangers attendant upon swamping the European constituencies" had been "got over by the very simple expedient" devised by the Ministry, of providing that "no estate should confer a qualification unless held or occupied by title derived from the Crown." In December, 1859, Sir Richard Bethell and Sir H. Keating gave their opinion. They did not refer to the treaty of Waitangi imparting "all the rights and privileges of British subjects" to all Maoris. With that technical slipperiness which can close the eye upon principle and open it wide upon expediency, they said that "freehold estate" and "leasehold estate" were "terms of art in English law," and supposed "the establishment of the English law of tenures." They decided that "natives cannot have such possession of any land used or occupied by them in common as tribes or communities, and not held under title derived from the Crown as would qualify them to become voters." For electoral purposes it was convenient to maintain the existence of a tribal right differing from English tenure. For other purposes it was often as convenient to reject it.

Lord Carnarvon's despatch disallowing the Native Territorial

Rights Bill reached the Governor on the 16th July, 1859. About that time a member of the Auckland Provincial Council, Mr. Buckland, said, that settlers were called on for sacrifice, "to sympathy for the natives, and all that kind of humbug. The settlers had no room for their stock, and would be obliged to set Government at defiance. . . . It was impossible to prevent the Anglo-Saxon overcoming the natives; and the Europeans, if they could not get the land with the consent, must get it without the consent, of the Government." The applause which this rant received might awaken suspicion that the wisest course which England could have adopted would have been to entrust a worthy Governor with power to deport any person whose stay was injurious to peace. Colonel Browne declared that the "immediate consequence of any attempt to acquire Maori lands without previously extinguishing the native title to the satisfaction of all having an interest in them, would be an universal outbreak, in which many innocent Europeans would perish, and colonization would be infinitely retarded, but the native race would be eventually extirpated."

While yet not abjectly under control of his wily advisers, and of influences brought privately to bear, Colonel Browne summed up his experience thus:—Besides mountain and forest there was in the North Island "some valuable land greatly in excess of all the possible wants" of the Maoris. "The Europeans covet these lands, and are determined to enter in and possess them,—*recte si possint, si non, quocunque modo*. This determination becomes daily more apparent."<sup>1</sup> . . . "Whenever the pressure from without is sufficiently strong it is evident that a Ministry responsible to a popular assembly must and will yield. Add also the change of opinion necessarily consequent upon a change of Ministry, and it will be admitted that the Governor's advisers in Maori affairs should be responsible to the Crown and not to the Assembly." As the Governor "like other functionaries was liable to change," it was desirable that he should be assisted by a permanent Council for Native Affairs. This despatch was almost his final struggle for the right. It was like the last roll of the labouring ship before it is engulfed. As if unequal to the burden of the time, and unable to adhere to his pronounced

<sup>1</sup> Colonel Browne to Secretary of State, 20th September, 1859.

opinions, he sought advice outside as well as within his Ministry, and forwarded voluminous documents with his despatch. Mr. Sewell had quitted the Government in April, 1859, having then partly<sup>1</sup> prepared a Bill for promoting colonization. The Governor submitted Sewell's Bill to his Ministry in July. Under it the Governor was to be assisted by a Native Council. The Ministry denounced it. They had themselves prepared Bills:— (1) to facilitate extinction of native rights and authorize grants to natives, and in certain cases to Europeans in native districts; (2) to provide for colonization of native districts; (3) to provide for the partition of native lands between native owners.

It is sufficient to say of these measures that the last affected to provide that a land register should be kept by a magistrate in his district; that any Maori wishing to have his land partitioned should apply to the magistrate, who should notify the application; and if within a given time no adverse claim should be delivered, or if adverse claims should have been made, the magistrate should then fix a day for hearing and decision. He might postpone or abstain from any decision; but if he should decide he was to define the boundaries of the lands of which he might make partition. No one familiar with the subject could doubt that such a measure was fraught with germs of strife.

Those who have studied the conduct of the Stafford Ministry in 1859, and the subsequent career of their crafty Attorney-General, can only by exercise of a charity which defies moral proofs acquit the Ministry of deep-laid plots to precipitate that strife. All the Bills conferred powers on the Governor in Council; and because the Maoris could have no confidence in that Council, the Governor reported his objection to all of them. Mr. Sewell's Draft Bill, on the other hand, contemplated the appointment of a Native Council appointed by the Crown, but removable by the Governor on address of both Houses.<sup>2</sup> Mr. C. W. Richmond as scribe for his colleagues declared such a Council inadmissible. The Governor asked for a permanent Council on native affairs composed of seven members, appointed by the Crown. Five should be nominated by the Governor;

<sup>1</sup> Colonel Browne to Secretary of State, 20th September, 1859.

<sup>2</sup> The Governor remarked, "This would lead to an annual debate, though nothing would come of it."

two might be nominated by the responsible Ministers. So oscillating were his ideas that though the text of his despatch contained this proposal, he appended a note declaring the expediency of it to be "somewhat doubtful." He urged that if such men as Bishop Selwyn and Dr. Martin could be induced to occupy unpaid seats in such a Council, "calumny would fall harmless and unheeded, while the presence of men so well known and so thoroughly trusted by the Maoris would secure to it an influence which no other European body could possibly acquire.<sup>1</sup> Even the insidious articles in the colonial press "headed 'extinction of the native race,' coupled with attacks on Sir George Grey and the native department," would be futile against such men. Coming events cast their shadows before; collision was inevitable unless remedial measures could be devised, and he begged that, as recommended by Dr. Martin and Mr. Swainson, the Parliament would intervene. If Imperial legislation should be refused, he asked that a Draft Bill to be submitted to the local Assembly might be prepared in England, and that he might be directed to transmit it to the Assembly by message. To support himself Colonel Browne sent (with Mr. Richmond's objections) written opinions from the Bishop, Dr. Martin, from the Assistant Native Secretary (in the absence of Mr. McLean, whose concurrence was known), from Mr. Swainson, from Archdeacon Kipling of Waitemata, from the Secretary of the Church Missionary Society, and from the Chairman of the Wesleyan Mission. As opposed to them he subsequently transmitted an elaborate document signed by nine persons, nearly all of whom were members of the Provincial Council of Auckland or of the General Assembly. They might not have deemed it necessary (they said) to address the Secretary of State on his disallowance of the Native Territorial Rights Bill if no reasons had been assigned. They audaciously expressed "fear that deep dissatisfaction would be engendered" among the Maoris because the Bill had not been assented to (a statement which the Governor contradicted, without thinking it

<sup>1</sup> On the 2nd June, 1859, the Governor wrote that Martin held the "enviable distinction of being universally respected by all parties and both races. . . It would be difficult to add to the esteem which has accompanied him in his retirement from public life."

necessary to refer to the Maori Land League or to the king movement). They declared that the land law in operation had "notoriously failed." Colonel Browne retorted by pointing out that 32,000,000 acres had been acquired under it in the Middle Island at an almost nominal price, and about 7,000,000 or 8,000,000 of acres in the Northern Island. To Lord Carnarvon's assertion that the administration of native affairs had "been crowned with a very remarkable success," they rejoined that it had "been a remarkable failure;" and they declared that no infringement of the original understanding between the Governor and his Ministers as to Maori affairs had been attempted by the Assembly. They scouted the idea of a conflict with the Maoris, affirming peace to be "absolutely secure provided the natives be treated with justice, and deprived of none of their natural rights." Their lengthy document was refuted by comments of the Governor, and by a short but categorical contradiction by the Assistant Native Secretary, Mr. T. H. Smith, who denied the accuracy of their convictions as to facts, and the arguments based on them. In November, 1859, the Governor repeated that the only remedy for existing evils was the adoption of the plan he had urged two months before,—viz. the appointment by the Crown of a Native Council comprising such venerated names as those of Bishop Selwyn and Dr. Martin. But he had already been seduced into a career at Taranaki which would have marred their counsels. There, where the Pakeha lusted with more than common appetite for Maori goods, where feuds had so long rent the Maori mind, and where even the murderer Ihaia had been commended by the Provincial Council for "a friendly, honest character, which gained him a foremost place in the esteem of the settlers,"—Governor Brown had entered upon a path strewn with thorns and shame. He went thither in March, 1859, and was welcomed by Pakeha and Maori. The settlers thanked him for his "expressed anxiety to promote the further acquisition of land from the natives." He told them he would aid in that respect so far as he could do so "without compromising the neutrality which he had determined to observe in all native quarrels." He "found the settlers extremely anxious that favour should be shown to Ihaia." He declared his "firm



determination to remain entirely neutral in this and all other native feuds, and to purchase no land without the consent of all who had a claim on it." Nevertheless he granted an annuity to Ihaia, declining "to interfere further in his favour." On the 8th March the Maoris met him. Te Rangitake was amongst them. Colonel Browne, through the mouth of the Native Secretary, announced that he would punish any violence committed by Maori or Pakeha within the European boundaries. The dwellers between those boundaries applauded. Te Rangitake, whose abode was elsewhere, remained silent. Donald McLean and C. W. Richmond were present; but the latter declared afterwards that he "was not there officially." A Maori named Teira (Taylor) offered to sell some land on the south bank of the Waitara; and, prompted by those who wished to entrap the Governor, "pressed for an immediate answer." The Governor replied that if a satisfactory title could be given he would "accept the offer." Another chief<sup>1</sup> objected, but when questioned, admitted that he had no claim to the land. "Te Rangitake then rose and, while admitting no claim to it, said he would never permit that land to be sold; then waving his hand to his people, he and they left the meeting with some want of courtesy to myself." The malign influence of his advisers was already working upon the man who had solemnly avowed his determination to "maintain inviolate the right of the Maoris to their land," had warned the Secretary of State against yielding power over native affairs to "gentlemen liable to the pressure of public opinion," and had in October, 1858, argued at great length against the elaborate memorandum drawn up by Mr. Richmond on Maori affairs. He wrote in March: "Any recognition of such a power as that assumed by Te Rangitake would be unjust to both races, because it would be the means of keeping millions of acres waste and out of cultivation. I have, however, little fear that he will venture to resort to violence to maintain his assumed right, and I have made every preparation to enforce obedience should he presume to do so." Such was

<sup>1</sup> Patukakariki. The Maoris denied that he asserted no claim. He was of more importance than Teira in the hapu to which both belonged. (Letter from fifteen Maoris, November, 1860.) Pamphlet by Archdeacon Hadfield. Williams and Norgate. 1861.

the language in which Governor Browne reported an act which was in Maori eyes a renunciation by him of the treaty of Waitangi, and a declaration of war. In a later despatch (December, 1860) he more graphically described the scene. "Te Rangitake, before addressing the Governor, said to his people, 'I will only say a few words, and then we will depart,' to which they assented. He then said, 'Listen, Governor! Notwithstanding Teira's offer I will not permit the sale of Waitara to the Pakeha. Waitara is in my hands; I will not give it up: Ekore, Ekore, Ekore! (I will not, I will not, I will not.) I have spoken!' And turning to his tribe, added. 'Arise, let us go;' whereupon he and his followers abruptly withdrew." Colonel Browne's conduct after this occurrence was absolutely irreconcilable with all his previous assurances to the Home Government and his contentions with his Ministry. All were acquainted with Te Rangitake's claims. The Government possessed a letter written by him to Captain Fitzroy in June, 1844, declaring: "This is the determination of our people Waitara shall not be given up. . . ." Nay, more, lest it should be thought that so old a letter might have escaped recollection or have been unknown to Browne, there was a letter written by Te Rangitake to Browne himself (11th February, 1859) a few days before the scene with Teira. In that document he defined the boundaries within which he objected to alienation of land. "These lands will not be given by us into your hands, lest we become like the birds of the sea which are resting on a rock. When the tide flows, that rock is covered by the sea. The birds fly away because there is no resting-place for them. . . . My word is not a new word; it is an old word. Governor Hobson heard it; Governor Fitzroy, and Governor Grey; and when you came, O Governor Browne, my word was still the same. You, O Mr. McLean, are aware of that word of mine at the time of your first arrival here, when you saw me. The same was the word to you. I will not give you the land."

Mr. Richmond, and even Mr. McLean, afterwards asserted that when Teira threw a mat at the Governor's feet in token of parting with his land, Te Rangitake was bound, by Maori usage, to pick it up if he objected to the sale. Such a plea needs no confutation. His protest could not have been more

forcible than it was. It was made to the Governor, not to his clansman, and his words were clear.<sup>1</sup> That Colonel Browne understood Te Rangitake's dissent was made clear by a passage in a despatch (29th March), narrating the occurrence, and saying that he had "made every preparation to enforce obedience." These preparations the Ministry not only approved, but instigated. The Governor had no funds at his own control for the coercion of Maoris. He had admirers, who denied that he yielded to pressure. They said he was inflexible. But a man may be determined without arrogating a faculty of solving questions of ownership of land, and it was adroitly made to appear to him that the Queen's supremacy was involved. After arriving at such a conclusion the duty of the soldier was clear to the Governor's mind, and he pounced upon his quarry. Mr. Richmond averred in 1878, that he "attended the meeting merely as a spectator, and that, in his belief, only two Europeans in New Plymouth" knew of Teira's intention to offer the block. He adds: "The Governor turned to McLean and asked if he would accept the block. McLean said, 'Yes, your Excellency, I think so.' The Governor then spoke to me, asking, 'What do you say, Richmond?' I replied, 'Certainly, sir, if there is a good title.' Then Teira was allowed to advance, and laid a mat at the Governor's feet." In the same paper Mr. Richmond scouted the idea that it was reserved for Sir George Grey's agents to discover in 1863 that Rangitake's friends were resident on the block when Colonel Browne accepted it. "Everybody knew there were pahs.<sup>2</sup> . . . Bell and I wrote an explanation showing that Te Rangitake's small pah was put up by the consent of the selling party." Only mental hallucination

<sup>1</sup> Renata Tamakihikurangi for the Ngatikakungunu tribe, declared: "This is the Maori's most emphatic mode of denial; to say his say, get up and go, that it may be known that he will never consent." (Published letter, 1861.)

<sup>2</sup> Thus Mr. Richmond wrote in 1878. But in 1863 Mr. Domett the New Zealand Premier wrote: "It is difficult to conceive that if these facts had come out clearly at the time of the sale, the practice universally followed (reservations of pahs, &c.) would not have been adhered to. . . They appear to have been overlooked throughout the discussions on the Waitara purchase." Out of such conflicting materials a historian must endeavour to distil truth.—*Vide* P. P. 1864, vol. xli. p. 6. The deed of sale is in the House of Commons Papers, 1860, vol. xlvii. p. 231.

can account for the supposition that Mr. Richmond's explanation relieves him from moral, even if unintentional, responsibility for the seizure of the block. He was appealed to by the Governor before the latter allowed Teira to make formal tender of the land. He was, with Whitaker,<sup>1</sup> consulted as a lawyer on the matter; and he knew that there were pāhs on the land. Nevertheless, no steps were taken to adhere to what the Native Minister in 1863 (Mr. F. D. Bell) declared was the "almost invariable practice," *i.e.* to "name the reserves in any deeds of sale." It is fair to consider Mr. Richmond's explanation, but it is necessary to decide that it in no way exculpates him. Donald McLean was an accomplice in the crime. He had in 1844 reported the good effect of Fitzroy's reversal of Spain's award. He had seen Te Rangitake's letter to Fitzroy, declaring, in 1844, that Waitara should not be sold. He knew the tenacity of Te Rangitake to the land, and the causes of that tenacity. He had in 1858 aided Colonel Browne in resisting the encroachment of the Ministry upon the functions of the Governor with regard to Maori affairs; but he had found the masters of the purse too strong for an officer in his dependent position. His previous experience and principles were abandoned in 1859. He afterwards, on plea of indisposition, left negotiation to Mr. Parris; but there were some who hinted that he wished to avoid complicity in a matter which, in his heart, he knew to be wrong.

According to a high local authority there were, in addition to general reasons which prompted Te Rangitake to cling to his land, other causes which excited him, and prompted Teira. There was a deathbed prayer to Te Rangitake from his father. There was a Maori Helen who had been false to Teira's brother. Dr. Featherston thus spoke in the New Zealand Parliament: "I venture to predict that when Her Majesty's Government learn the facts of the present case—when they learn that the war originated in a grudge entertained by Teira against his chief—that because a native girl jilted Teira's brother and married Te Rangitake's son, Teira swore that he would have his revenge—that knowing that Te Rangitake had given a

<sup>1</sup> MS. drawn up by Mr. Richmond in 1878. "He talked to Whitaker and myself on this particular more as lawyers."

solemn pledge to his father not to sell Waitara, but to keep it for an inheritance for the Ngatiawas, Teira resolved to satisfy his revenge by selling Waitara to the Government;—when they know that, of the 600 acres offered by Teira and purchased by the Government, only a small portion really belonged to Teira—that the greatest portion is owned by natives who have either protested against the sale, or have never been consulted in the matter—that no investigation worthy of the name has ever been instituted into their claims;—when, sir, the Home Government learn these facts, if they have not already learnt them, I venture to predict that their answer to his Excellency's application for troops will be, that those who have been guilty, while acting in Her Majesty's name, of so great a wrong, who have plunged the country into such a war, are no longer worthy of Her Majesty's confidence; and that, instead of reinforcements, Her Majesty's Government will send out peremptory instructions to bring the war to a close, and to prevent any further shedding of blood in so unjust a cause." If the Lord Stanley of 1843 had ruled in Downing Street in 1866, these hopes might have been fulfilled. Dr. Featherston's was an honoured name in New Zealand. He had been Superintendent at Wellington (which he represented when he spoke), had filled many important posts; and he died at last in harness in London, as Agent-General for the colony of New Zealand.

Unconscious of the gravity of the situation, Colonel Browne, at the conclusion of his first despatch on the subject, told the Secretary of State: "I venture to think that my visit to Taranaki has been useful. . . . If the land now under negotiation can be obtained legitimately, and without breach of Maori ideas of right, I have little doubt that other tracts of land will be offered for sale, and I shall thus be able to satisfy the demands of all moderate men among the settlers." He forgot that he had recently been compelled to tell the Taranaki Provincial Council that he could not favour their "proposal to coerce a minority of native proprietors who might be disinclined to sell their land," and after an experience of years he fondly fancied that Te Rangitake was not in earnest. Yet the acquisition of land had been the one absorbing subject at Taranaki. A resident, who

published a narrative in 1861, declared: "The most frequent topic of discussion with both natives and Europeans was about the *land*; and the boasting assertion was continually made by the latter, '*The Waitara will be ours before long.*'" When a skilled witness testified thus, the Government might have been expected to foresee the consequence of their conduct. But they were impenetrably crass, or ruthlessly unjust. From Auckland the Assistant Native Secretary wrote to Te Rangitake (2nd April, 1859), that Teira's land would be bought by the Governor. "The Governor's rule is for each man to have the word about his own land: that of a man who has no claim will not be listened to. This is merely written to let you know the word of the Governor in answer to Te Teira's and Te Retimana's letter." Te Rangitake's own letter refusing to sell was set aside. The resolute chief wrote to the Governor (25th April, 1859): "Friend, salutations to you. Your letter has reached me about Te Teira's and Te Retimana's thoughts. I will not agree to our bedroom being sold (I mean Waitara here), for this bed belongs to the whole of us; and do not you be in haste to give the money. Hearken to my word. If you give the money secretly, you will get no land for it. You may insist, but I will never agree. Do not suppose that this is folly on my part; no, it is true. . . . I have no new proposal to make, either as regards selling or anything else. All I have to say to you, O Governor, is, that none of this land will be given to you—never, never, not till I die. I have been told that I am to be imprisoned. . . . I am very sad because of this word. Why is it? You should remember that the Pakehas and the Maoris are living quietly upon their pieces of land, and therefore do not disturb them. . . ."

It has been mentioned that when Te Rangitake returned with his tribe from the south, there was some apprehension that the Ngatimaniapoto tribe might again invade the territory. Mr. Gorst thus tells the story: "It was therefore agreed by the whole tribe that instead of Te Rangitake settling on the north bank of the Waitara, where his own possessions were, the whole tribe should live together upon Teira's land, on the south bank, for mutual protection against the common foe. It was in consequence of this arrangement that Te Rangitake originally

established himself on Teira's land<sup>1</sup> (hereafter it will be seen that the land was not Teira's), where he laid out cultivations, and built substantial houses. There they all lived happily together, until disturbed by the accursed land feuds, which caused perpetual dissension amongst them. At length Teira, out of spite to Te Rangitake, sold Waitara to the Government, the effect of this sale being to turn the latter suddenly, and without compensation, off land which he had considerably improved by building and cultivation, and which, under the original agreement, he had certainly an equitable right to hold. It seems quite incredible that circumstances so material to the case should have escaped the notice of the officials concerned in the purchase, and have remained undiscovered for three years, until they were accidentally found out by Sir George Grey's interpreter, in private conversation with the Waitara natives. The facts were certainly unknown, not only to Governor Browne, but even to Te Rangitake's advocates. It will be readily believed that, had the Governor been informed of a circumstance so material, the Waitara block would never have been purchased." Mr. Gorst judged the Governor's advisers leniently. Mr. Richmond knew and wrote about the Maori occupants of the Waitara block, but averred that they would be dealt with by reservations in the customary manner. They were, nevertheless, not provided for in the deed. Mr. Parris (July, 1860) reported that the land sold by Teira had never been cultivated by Te Rangitake's people, and may thus have misled the Governor; but the claim which Te Rangitake had made from 1839 to 1859 rested on higher grounds than a permissive tenant right. It was known that no nation on earth paid more sacred reverence to the burial-ground of their ancestry than the Maoris; and the vow of Te Rangitake to his father was rooted in his mind, with the traditions of his people. Such feelings deserved respect, though it might be difficult to define them.

There was much dispute about the meaning of the term

<sup>1</sup> It must be remembered that, over land held under tribal rights there was also the "mana" of a chief. It will be seen that in 1869 a judgment pronounced by a New Zealand Court declared that settlement such as that on the south bank of the Waitara gave rights of "ownership according to Maori usage and custom," even if none existed previously. Mr. Gorst speaks of Wiremu Kingi, but the Maori name is used in the text.



“mana,” which was variously interpreted as seignorial, manorial, or feudal. Some Europeans were so ignorant as to declare that it was borrowed from the English idea of sovereignty. That some control was recognized as residing in the principal chief, was known in the time of Mr. Spain, who, in 1844, found Rauparaha’s dissent omnipotent as to a purchase contemplated at Ohau near Otaki, and abandoned it in consequence. Moreover, part of the claim of the English at Taranaki was founded on the purchase by Governor Hobson of Te Whero Whero’s rights, accruing to him as a conquering chief, and based on no occupation of the land. But Colonel Browne’s good genius was silenced, and he was enmeshed in the sinister designs of others. He was supplied in due time, by Mr. C. W. Richmond, with reasons for the course adopted; reasons which can be accounted for, but not justified, on the plea of ignorance. Chief Justice Arney said in the Legislative Council: “Little as I know of the native title of the so-called Maori law of real property, the generality of people, even of the learned—the periti—know little more.” But looming large over all scattered doubts, Governor Browne and his advisers had the opinion of the Board of Inquiry into Native Affairs in 1856; and the man must have been mad, or full of dangerous designs, who, in defiance of that opinion, could urge the Governor to set aside the claims of Te Rangitake to a voice in the disposal of tribal lands. They examined many witnesses—they were experts themselves—and they said: “Each native has a right in common with the whole tribe over the disposal of the land of the tribe, and has an individual right to such portions as he or his parents may have regularly used for cultivations, for dwellings, for gathering edible berries, for snaring birds or rats, or as pig runs. This individual right does not amount to a right of disposal to Europeans as a general rule. . . . Generally, there is no such thing as an individual claim clear and independent of the tribal right. The chiefs exercise an influence in the disposal of the land, but have only an individual claim, like the rest of the people, to particular portions.”

No one could deny the claims of Te Rangitake. Mr. Spain spoke of him in 1844 as “the principal young chief of the place,” at Waiwetu; and on the return of the Ngatiawa to their ancestral homes and consecrated grounds he was the leader

acknowledged alike by Pakeha and Maori. A paper drawn up at the Governor's request, and signed by Mr. C. W. Richmond on behalf of the Ministry, thus spoke of Rangitake: "William King was one of the Ngatiawa who had retired to Cook's Straits, whence he returned to Taranaki in 1848. Though a well-born chief his land claims are not considerable, and lie chiefly if not wholly to the north of Waitara." Mr. Richmond did not affect ignorance of the cultivation by Te Rangitake's people of land south of Waitara, for he wrote at the time: "Te Rangitake has been joined by a number of natives, who have gathered about him since his settlement at Waitara, and these men have encroached with their cultivations upon the proper owners. This has been a source of dissension, and one reason determining the settlers to part with their land." Mr. Gorst's apology for the Governor's ignorance makes darker the conduct of his advisers; and yet, with such a formal document presented to him in April, 1860, there was still room for honourable escape from the false position into which he had been hurried. But he would not avail himself of it. He abandoned himself to the guidance of advisers desirous to raise a feud between Pakeha and Maori, and one of whom Mr. C. W. Richmond, as regarded the title to the lands, thus echoed in the General Assembly in August, 1860, the rapacious clamour of the Taranaki settlers: "Sir, I know nothing about 'mana,' and I don't care to know anything. . . . I say I know nothing of Maori 'mana,' and in the present case I care nothing about it. I only know that we have hitherto dealt without let or hindrance from any lord of the manor with the various families and groups of families which make up the Ngatiawa tribe. . . . Te Rangitake's title (if he had the best of the world) is merged in his rebellion. At all events it will be time to hear him when he submits to the jurisdiction. . . . We did not mean to buy unless with the consent of all. But suppose that through their own contumacy, or say even through our own neglect, some are left out, what does common sense tell us is substantial justice? I say substantial justice is partition; and if they can't agree among themselves their boundaries ought to be settled for them by a higher power." On a later day his brother and supporter, Mr. J. C. Richmond, declared that he agreed with the statements of the Taranaki Provincial Council,

(which Governor Browne had condemned as an attempt "to coerce a minority of the natives into selling their lands,") and went so far as to declare that "years of weak government had made the storm unavoidable," and that "it was well perhaps to have the war come whilst the settlers' eyes were open."<sup>1</sup>

It was not known at the time, but was ascertained afterwards, that the Governor, having assumed the position of land-purchaser, personally pushed the matter forward. Parris having reported that the purchase could not be safely completed in the face of opposing claims, Colonel Browne wrote (27th August, 1859): "Instructions should be sent to Taranaki to close the purchase of Teira's land, which was commenced when I was there, without delay if possible. There is little chance of Mr. McLean reaching Taranaki for some time." Mr. Richmond's claws were shown at the same date. He wrote to Parris: "The Governor is very anxious about the completion of the purchase from Teira. I am sure you will press the matter as fast as appears prudent. It will satisfy his Excellency if, without writing officially, you will let me hear privately how the matter stands. I have been in hopes that Mr. McLean's visit would effect something, but he delays so long. . . . The Governor feels pledged to effect the purchase." Against such influences what could Parris do? He

<sup>1</sup> The text which Mr. J. C. Richmond justified in the General Assembly was thus embodied in the Taranaki Provincial Council Petition of 1858. Though written for a different purpose it proves the violent departure of Governor Browne from the former system adopted in dealing with native tribes. "The system heretofore adopted by a Government of requiring the assent of every claimant to any piece of land, before a purchase is made, has been found to operate most injuriously in this province on account of the conflicting interests of the claimants; and the sufferers by this system are invariably the men who are most advanced in civilization, and who possess the largest share in the common property. Your memorialists are therefore of opinion that such of the natives as are willing to dispose of their proportion of any common land to the Government, should be permitted to do so, whether such natives form a majority, or only a large minority, of the claimants; and that the Government should compel an equitable division of such common land among the respective claimants on the petition of a certain proportion of them." The writers of this memorial, with Mr. C. W. Richmond and Mr. Stafford, must have well known that the Maoris would resist with arms any such infraction of the treaty of Waitangi. To adopt such a principle was virtually to declare war.

had warned the Government privately and publicly, but could not arrest its course. Against such a plotter how could Governor Browne be armed? Only on the ground that he had become docile to his tempters can his conduct be accounted for. Parris himself was well aware that undue influence was brought to bear against Te Rangitake by the English friends of Ihaia. A letter from Parris to Bishop Selwyn, dated 26th August, 1858, was produced in the General Assembly, containing these words: "Lest I should be charged with partiality to natives of that denomination, because I refuse to support or countenance dishonourable and treacherous treatment of Te Rangitake and his people, to exterminate them from the Waitara in accordance with Mr. Turton's peremptory plan for the acquirement of that delightful and much-coveted district."

Mr. Turton and his sympathizers found in 1859 the machinery with which to work their will, and Parris, pushed on by desire to please the Governor, the Native Minister, the Attorney-General, the Taranaki Provincial Council and settlers, pursued the course which a year before he had called "dishonourable and treacherous." Free from pressure, he might have found out or induced others to weigh those facts which Sir George Grey exposed in 1863, and which established Te Rangitake's occupying as well as tribal rights. He might without much trouble have ascertained, as a Court of Justice afterwards ascertained, that as compared with those of Te Rangitake the claims of Teira were but as dust in the balance. In after years a decision on a celebrated case (of the Rangitiki-Manawatu block) proved conclusively that according to well-known Maori usage—and the treaty of Waitangi guaranteed to the chiefs and tribes all such usages—Rangitake's people, settled by consent of the tribe on the south of the Waitara river, acquired rights of ownership by the fact of settlement, even if no previous tribal rights existed, as they were admitted to exist at Waitara. The judgment of the Court was, after many weeks of trial, pronounced by no less an authority than Mr. Maning, the author of 'Old New Zealand.' But it was not pronounced until 1869, and long before that time the flower of New Zealand warriorhood had fallen in the war begun at Waitara, or had been expelled from desolated hearths. Such a trial as that of the Rangitiki-Manawatu claims was all that

Bishop Selwyn, the ex-Chief Justice, and other friends of the Maoris demanded for the case at Waitara, but their petitions were set aside. It will be seen hereafter that when, not intentionally but incidentally, a Government afforded an opportunity for the eye of the law to be fixed upon the case, the rights which Mr. Richmond and his colleagues had spurned were shown to be incontestable. Te Rangitake was referred to Mr. Parris, but having addressed himself to the Queen's representative would not make any application to Parris, in whom he saw only the tool of the Maori-hating faction at Taranaki, and of C. W. Richmond, a member of that faction and of the Government. Mr. Gorst declares that no record was preserved of the investigation into Teira's title. But the debates in the New Zealand Legislature tell something of the situation. Te Rangitake understood the proceeding as an attempt to fasten a quarrel upon him. In July, 1859, he wrote to Archdeacon Hadfield (the friend whom he aided in protecting the colonists in 1843): "Mr. Parris has lifted up his heel against me. This is what he said to me, 'Naku koe i ora ai'.<sup>1</sup> Recently his word has been revealed that I am to be taken prisoner because I withhold the land, inasmuch as the withholding of land is in their estimation the greatest of offences, and for this reason is bruited about the opinion of all the Europeans that I am the worst of men. I am not able to discover wherein consists my guilt. If I had taken any land belonging to Europeans then my fault would have been proved, or if I had insulted any European then my accusation would have been just. But they are bringing guilt to me (or, are forcing me to become a guilty man). . . . Great is the obduracy of this Pakeha (Parris). His word has been reported to me that I am to be shot and buried, not in the burial-place but outside in the cultivations, with the burial of an ass. . . . I thought you might have influence with the Governor and Mr. McLean to cause Parris' proceedings to be stopped with reference to the Waitara." But Mr. Richmond was as obdurate

<sup>1</sup> Mr. Forsaith in reading this expression to the House explained that though the verbal translation of this phrase was, "I was the means of saving your life," the Maori significance of it was highly offensive, not amounting to a curse, but, when addressed to a New Zealand chief, a grievous insult. The taunt of slavery or dependence was ever galling.

as Parris. On the 25th November, 1859, the latter told Te Rangitake that he intended to pay Teira a portion of the purchase-money. He invited Te Rangitake to meet Teira to discuss the matter. With some thirty armed followers the chief attended on the 29th November. Parris said the discussion was conducted in a very orderly manner, in presence of a large number of Europeans. As Richmond and his friends affected to justify their conduct by alleging the absence of proof of title by Te Rangitake at this meeting, Parris' report of it, with the commentary of Mr. Forsaith, long and well acquainted with Maori language and custom, deserve to be recorded. "Te Rangitake," Mr. Parris wrote, "avowed his determination to oppose the sale, without advancing any reason for so doing. Upon which I put a series of questions to him, which I called upon the Rev. Mr. Whiteley (Wesleyan missionary) to witness.

"*Q.* Does the land belong to Teira and party?—*A.* Yes, the land is theirs, but I will not let them sell it.<sup>1</sup>

"*Q.* Why will you oppose their selling what is their own?—*A.* Because I do not wish that the land should be disturbed; and though they have floated it, I will not let it go to sea.

"*Q.* Show me the correctness or justice of your opposition.—*A.* It is enough. Parris, their bellies are full with the sight of the money you have promised them, but don't give it to them.

<sup>1</sup> Te Rangitake's friends averred that he did not say "the land is 'ratou,' theirs, but 'matou,' ours." On such a point it is proper to mention the assertion, together with the fact that Mr. Whiteley, a Wesleyan minister, certified to the accuracy of Parris' version. It is not necessary to believe that either version was wilfully erroneous. It is morally certain, however, that Parris and Whiteley were wrong because, within a week of the occurrence, Te Rangitake wrote thus to Archdeacon Hadfield: The Pakehas say " (Mr. Parris, Mr. Whiteley, and the Governor) that to Te Teira only belongs this piece of land. No; it belongs to *us* all (kahore, no *matou* katoa). It belongs to the orphan. It belongs to the widow." As the chief was, according to Parris, very resolute in his interview, it is unlikely that he kept back any part of the contention which he almost immediately put in writing, and which was in keeping with all his language before and after 1859. Bishop Selwyn (writing in 1849) extolled the "delicate use of the exclusive and inclusive pronoun" so powerful in Maori speech. If they had misreported Te Rangitake wilfully, Mr. Parris and his coadjutor would have been open to the charge of putting the pronouns to a very different use. It will be seen, however, that Mr. Whiteley was content with a very rough translation of a proclamation of martial law.

If you do, I wont let you have the land, but will take it and cultivate it myself.'

"Teira stops in town since he received the instalment, considering it not safe to stop at Waitara."

In August, 1860, Mr. Forsaith said in the House at Auckland : "I stake my reputation for some little acquaintance with the native language and mode of expression upon the assertion that the question and answer are perfectly compatible with the existence of a claim on the part of Te Rangitake. . . . Those acquainted with native customs will, I am sure, bear me out in the assertion, that, in saying that the land was Teira's, Te Rangitake did not necessarily thereby admit that he had no claim to it. Had the question been followed by another, something to this effect—'Do you mean that it belongs to Teira and his party only, or have you any claim to this land?'—we should probably be in a better position for arriving at a conclusive opinion. This is the only trace I can find of a scrutiny, and this modicum of evidence is the only proof of that rigid investigation which we are told was extended over a period of eight months. I must now refer to Te Rangitake's own account of the transaction contained in a private letter written after the payment of the money. It is dated 5th December, 1859. I quote the following extracts: 'Friend, listen to me, this is my saying, that you may explain to me the policy of the new Governor. I heard from Mr. Parris on the occasion of my going to town to prevent the money of the Governor being given for Waitara (£100). I said to him (Parris), "Friend, keep your money." He answered me, "I will not." I replied, "There will be no land upon which your money can alight."' The word in the original is very significant — 'taunga.' I don't recollect ever seeing it used in this sense before. It means the fluttering of a bird over the spot on which it is about to perch. 'Upon which he (Mr. Parris) answered, "This is wrong. When the Governor comes it will be very wrong."' It is difficult to say whether there is not an implied threat here: the original might perhaps without violence be rendered thus: 'This is very wrong, and so you will find it when the Governor comes.' 'I replied, "Be it so. It is for you to bring me the wrong, *i. e.* you must be the aggressor. Enough for me, I keep the land." I also said to him, "Land that



is obdurate (*pakeke*), *i. e.* disputed land, the Governor is not desirous of having." He replied, "That was formerly, but now the Governor has a new method." My belief is, the Governor is seeking to quarrel, as he is putting death before me. Therefore I ask you to enlighten me, as you have perhaps heard of the Governor's new method or policy. . . . Listen, the land will not be given up by me. If the Governor without cause attacks me, and I am killed, then there will be no help for it, because it is an old saying, "the man first, the land afterwards," *i. e.* first kill, and then take possession. Therefore I make known my words to you, that you may quietly understand my offence, and also the offence of all the Europeans, of Mr. Parris, of Mr. Whiteley, of the Governor. They say this piece of land belongs only to Teira. But it is not so; it belongs to us all—to the orphans and widows this piece of land belongs.' "

Volumes have been written, weeks have been spent in discussing the origin of the Taranaki war; but, after all, it is best understood by study of this letter from the Maori chief. He might not be able to name the chief conspirator, but he knew that guilt was being brought to his door.

Mr. Forsaith illustrated the case from his own experience. In 1839 he wished to buy land on the Wairoa river, in the Kaipara district. "Preliminaries were all settled, and price arranged, when opportunely I had a visit from a friend who had been longer in the country than myself. Hearing of my intended purchase, he advised me before parting with the payment to question the sellers closely on the point, whether they knew of the existence of any native whose consent to the sale would be necessary to secure my quiet possession." Mr. Forsaith hearkened to the advice. The sellers (Tirarau and Paikea) arrived to "conclude the bargain. The payment was ready, and they were anxious to sign the deed. I put the question. At first there was a dead silence; then, with many shrugs of the shoulder, the evasive answer, 'How can we tell?' I was now satisfied that I was on the right scent, and gathering up the payment, I made a show of terminating the negotiation. It then came out that the consent of a woman living at Kaihu, a relative of Tirarau, was necessary. I postponed the conclusion of the bargain. . . . On arriving at her residence I found

to my astonishment that she knew all about the transaction. She said, 'I am glad you came to see me. I shall give my consent, but if you had bought that land without asking my permission I should have gone and turned you off.' I asked what portion of the payment I was to reserve for her. She replied, 'I do not claim any portion of the payment; but if you please you can make me a present.' The purchase was subsequently effected, and I never afterwards heard of a single objection to my title. . . . The piece of land is now the principal commercial station on the Wairoa."

This Mr. Forsaith adduced as a proof of the existence of "mana" in New Zealand, and declared that Mr. C. W. Richmond, "in pooh-poohing it, was arraying himself not only against a principle which, however ill-defined and uncertain, does nevertheless obtain, but also against the policy of former Governments, which in many instances have recognized and acted on the admission of this principle."

The Duke of Newcastle acknowledged and approved the Governor's report of his proceedings in March, 1859. After the occurrences on the 29th November, 1859, the Governor (25th January, 1860) reminded the Duke that his Taranaki measures had been approved in England. He described Mr. Parris's conduct, and stated that he had "directed the land to be surveyed in the usual manner. Rumours have reached me that the survey will be interrupted by the chief Te Rangitake (who has evidently been advised by some disaffected persons), and that difficulties may ensue. I do not put much faith in these rumours, or anticipate resistance, when the natives see that, though always ready to consider every reasonable objection, I am not the less determined to enforce Her Majesty's right to deal with her own subjects without hindrance from any one not having a legitimate interest in the transaction. I have, however, taken every precaution, and made preparation for every contingency which may arise." On the same day Richmond himself told Parris that "with the advice of the Executive Council" (ominous words), the Governor had determined that the survey of the land should be proceeded with without further delay. An unarmed party was to go to the ground, but the survey was to be notified beforehand. "Should resistance be

made the survey party will quietly retire, and you are then to intimate to Lieutenant-Colonel Murray that the assistance of a military force has become necessary. Military possession of the block will thereupon be taken and kept by the forces . . . and the survey is to be prosecuted under the protection of the troops."

It would seem incredible, were not the documents still extant, that while telling the Secretary of State that he anticipated no resistance, the Governor signed (on the same day) a proclamation of martial law. "Whereas active military operations are about to be undertaken by the Queen's forces against natives in the province of Taranaki in arms against Her Majesty's authority, now I, the Governor, do hereby proclaim and declare that martial law will be exercised throughout the said province from publication hereof, within the province of Taranaki, until relief of the said district from martial law by public proclamation" (25th January, 1860). Bad in the original, the edict became worse in the Maori version promulgated at Taranaki.

Mr. Forsaith in August, 1860, read it in the Parliament at Auckland. "Whereas the natives of the Queen are just about to begin their work against the natives of Taranaki who are disobedient, and are fighting against the Queen's authority; therefore I, the Governor, do proclaim and publish abroad this word. The law of fighting is now to appear at Taranaki, and remain in force until countermanded" (25th January, 1860). "Who can tell," said the speaker, "how far this document operated to encourage the interference of the Ngatiruanui, who were in no wise concerned in the original dispute? . . . I hold the Government accountable for this outrageous announcement, which, in point of fact, amounts to a declaration of war on the 25th January."<sup>1</sup>

The plot which was to "bring guilt to the door" of Te Rangi-

<sup>1</sup> Mr. Stafford, from whose office the original proclamation emanated, defended the translation on the ground that honourable members might remember how hard it was to retranslate passages at school or college, and he read a certificate from the Wesleyan Missionary, Mr. Whiteley, to the effect that Mr. Parris showed the translation to him before it was sent to the press, and he approved of it. If his object was to create a war Mr. Whiteley might reasonably approve. This notable document was forwarded by Mr. Stafford to the officer in command at Taranaki, with the name of the Queen taken in vain at its foot. Colonel Browne himself expressly requested Colonel Gold, commanding the troops in the colony, to give the necessary instructions to his subordinate at Taranaki.

take was complete in every particular when the Governor wrote to the Secretary of State. Transmitting a copy of the proclamation to that functionary, he said: "I trouble your Grace with the present despatch only as a matter of information, and trust it may not be necessary to refer to it again." His next despatch (27th February) announced that, "contrary to his expectations, the chief Te Rangitake had resisted the survey of the land." No violence had been offered. Women had defeated the survey party.<sup>1</sup> The Governor was mustering forces, and going in person to the scene of action. After the stoppage of the survey, Colonel Murray wrote to Te Rangitake, saying that he must occupy the disputed land with soldiers unless resistance was abandoned; but that he was most anxious that there should be peace, and that the chief should cease to rebel. The answer was decided. . . . "You say that we have been guilty of rebellion against the Queen, but we consider that we have not, because the Governor has said he will not entertain offers of land which are disputed. The Governor has also said that it is not right for one man to sell land to Europeans, but that all the people should consent. You are now disregarding the good law of the Governor, and adopting a bad law. This is my word to you. I have no desire for evil, but, on the contrary, have great love for the Europeans and Maoris. Listen; my love is this. You and Parris put a stop to your proceedings, that your love for the Europeans and Maoris may be true. I have heard that you are coming to Waitara with soldiers; and therefore I know that you are angry with me. Is this your love for me, to bring soldiers to Waitara? This is not love; it is anger. I do not wish for anger; all that I want is the land. All the Governors and the Europeans have heard my word, which is, that I will hold the land. That is all. Write to me. Peace be with you." Before leaving Auckland the Governor by letters to the Maori king and to other chiefs threw the blame of the dispute on Te Rangitake.

<sup>1</sup> Men were at hand to help them in case of need. The 'Southern Cross' newspaper reported that the surveyor with his theodolite was embraced by one of the old creatures, the chain was removed by another, and the surveying party—ignominiously overcome—abandoned its task. A Maori clergyman (Rev. Riwai te Ahan) said, "It was the wife of Patukakariki and their own two daughters and some other women of their hapu, who drew off the Governor's surveyors from their own pieces of land."

On the 1st March he reached Taranaki and sent for the chief, offering him a written promise of safety. Mr. Whiteley and Messrs. Parris and Rogan carried the offer, and conferred with the chief, who promised to announce his decision on the following day. The Governor's pledge was thus worded: "I hereby pledge my word that Te Rangitake, and any reasonable number of his followers, who may choose to come to New Plymouth unarmed and converse with me, shall be allowed to return unharmed and in freedom to the place from whence they came. This promise shall be good from this day (1st March) until the night of the 3rd March, 1860." On the 2nd he wrote: "Friend Governor, I received your message requesting me to go to town to see you. . . . Listen. In days gone by things were different from what they are now. I could then have gone to town to see you; but now I am afraid of your force, because you have brought soldiers with you to the town, and therefore I think you are angry with me." He was still anxious for peace, and asked if the Governor would come to the Kaipakopako "where we can see each other." His suspicions were not unnatural. One Governor had seized Rauparaha by stealth, and Colonel Browne himself had granted an amnesty to the acknowledged murderer of Katatore. The Governor (2nd March) told the Duke of Newcastle that Te Rangitake's letter was nothing but a mockery and a subterfuge, to obtain time till assistance could be got. He "still had hopes of being able to avoid bloodshed." On the 3rd March he directed Colonel Gold (65th Regiment) to take possession of the land, and proposed that a block-house should be built in a commanding position. Collision was to be avoided, if possible, because Maoris attached much importance to the first blood shed; and many tribes would join the chief in demanding "utu" if he could show that he had not been the aggressor. Settlers at Tataraimaka were summoned to Taranaki, and block-houses were built on the north and on the south of the latter place.

Mr. Richmond was informed by Mr. Turton (Te Rangitake's old opponent) that help was looked for from Waikato, but that if blood were shed the Taranaki natives would fight for Rangitake at once. That chief in one night built a pah and stopped an escort. On the 6th March the Governor peremptorily told

him to destroy the pah and cease to block up the road. Firing would commence in twenty minutes unless the order were obeyed. The pah was evacuated and was immediately burnt by the troops. Browne reported that it contained traverses, and was "extraordinarily well designed." On the 13th and 14th March the boundaries of the Waitara disputed land were surveyed under military protection. On the night of the 15th Rangitake built a pah on the land, and, on the following day, pulled up the surveyors' pegs and made fires along the line. Colonel Gold with twenty-four-pound howitzers proceeded to attack the pah at the head of a strong force, on the 17th—summoning its garrison thus, in a note borne by Mr. Parris: "Misguided people, your pah is invested. Surrender at once, or I will commence to fire on you. Though your offence is great, the Governor will be merciful to you if you surrender. If I fire upon you your fate is sealed." The Maoris refused to read or to receive the summons. Fire was opened, and continued throughout the day with guns and rockets. The Maoris returned it with musketry, and three Europeans were wounded dangerously. The troops lay down on their arms at night in their entrenchments, and the Maori firing was continued for some hours. In the morning the guns were advanced under cover of skirmishers, and when a sufficient breach was thought to have been made, the troops pushed forward and found that the pah was empty. The usual ditch behind the palisade was found, with covered trenches well traversed, and the Governor reported with dismay that a fortification put up in one night and garrisoned by only seventy Maoris "occupied the troops two days to capture and destroy. A storm of shot and shell did scarcely any execution, and finally it was evacuated with trifling loss." The work of the Governor's tempters had been well done. The British Government had been made an accomplice in the evil designs of the Taranaki settlers. The quarrel had been baptized in blood. And now the soldiers, the Governor, and the civilians, began to reflect upon the situation.<sup>1</sup> Colonel Gold at Waitara said

<sup>1</sup> The student meets many difficulties in tracing the facts. For instance, in an elaborate paper drawn up by Mr. Richmond on 28th December, 1860 (N. Z. P. P., 1861, E. No. 2), it is said to be "established that neither Te

that his force was too weak. His Excellency must strenuously urge the Home Government to send artillery, engineers, and infantry. Brevet-Colonel Murray, at Taranaki, pronounced that settlement indefensible. There ought to be at least 1200 men in the province. Donald McLean, whose indisposition of mind or body had left to others the conduct of the ill-omened land dispute "carefully chosen" by the Ministry as a battle-ground between Maori and Pakeha, declared that 5000 men at least were required in the Northern Island. The Ngatiruanui and Taranaki tribes were believed to be about to attack Taranaki. They were 1200 strong, and the powerful Waikatos, he feared, might join the affray in order to work out their national independence. Mr. C. W. Richmond gave a written

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Rangitake nor any of his people have had cultivations on the block. . . No pah was burnt by the soldiers." In April, 1863, Lieutenant Bates, 65th Regiment, reported, after inquiry on the spot, that Carrington, a surveyor in the district, admitted that two inhabited pahas were destroyed by the troops and allies in 1860; and the evidence of soldiers who were engaged confirmed the admission. In 1860, Sir W. Martin asserted in a pamphlet on "the Taranaki question" that on the block stood two "pahas." Governor Browne published 'Notes on Sir W. Martin's pamphlet,' and C. W. Richmond and F. D. Bell drew up the facts for him. They admitted (Note 19) the existence of the pahas, but denied Te Rangitake's "proprietary right" in them. "It must not be supposed (they said) that Te Rangitake's residence in a pah erected by permission of Tamati Raru was in itself any ownership of the land which was offered for sale." In 1878 Mr. Richmond wrote: "Everybody knew there were pahas—and to make this *discovery* an important matter is—well, I don't know what to call it. Yet it is utterly untrue that Te Rangitake or any one else was expelled from his habitation. Several days before the troops went on to the block, Te Rangitake and all his people had retired. . . ." It may be hoped that Colonel Browne would not have allowed martial law to be proclaimed and the troops to advance if he had known what Mr. Richmond says was known to everybody. To seize a man's land, to burn his house and his church, and then to accuse him of rebellion for resistance, is in keeping with the argument of Mr. Richmond, that to approach with shot and shell, and desolate the hearths which are abandoned, is not to expel the inhabitants. By a strange irony of fate, Mr. Bell, who assisted Mr. Richmond in framing the 'Notes on Sir W. Martin's pamphlet' in 1860, became Native Minister in 1862 in the Domett Ministry, learned at Taranaki from the mouths of Teira and Ihaia the truth of Sir W. Martin's statements about the pahas, and joined in a formal ministerial statement that it was "difficult to conceive that if these facts had come out clearly at the time of the sale, the universal practice of reserving pahas, cultivations, and burial-places would not have been adhered to in this particular instance."



adhesion to Mr. McLean's opinion. The Governor found that his assurance to the Secretary of State that he had made preparations for all contingencies was an empty boast. He cried to the Australian colonies for help, and told the Secretary of State that a much larger number of troops than had before been asked for was "necessary to maintain possession of the colony at all." He must have troops, "a steam gun-boat, and a steamer of war." The skill of the Maoris in field fortification was "surprising and most admirable." As to the cause of quarrel, he defended his past conduct, and urged that even if the right of "mana" existed, Te Rangitake could not hold it, as Te Whero Whero had sold his feudal superiority obtained by conquest. He either did not comprehend the nature of tribal right or was determined to disregard it. He anticipated the approval of the Secretary of State, and on the 27th June the Duke of Newcastle conveyed it to him. Troops would be sent if further advices should show necessity, and thanks were given to the militia and volunteers for their zeal and alacrity.

Colonel Browne's despatches ought to have enabled the Duke to see the truth. But he was blind. He spoke of "the insurrection" of the Maoris, but said nothing of the gross breach of faith of the local government, which, in the name of the Queen, was traitorous to the treaty she had made. He seemed to have no qualms about the cause of quarrel. He could not promise to increase the military force permanently, but authorized the Governor to retain the 65th regiment "until the insurrection is put down." He was not one who had the courage to undo a wrong. Meanwhile the strife went on. The Maoris were in the neighbourhood of Taranaki, but when Colonel Gold marched out to meet them they retired. They nevertheless constructed two pahs at Omata, not far from an English block-house. On the 27th March three settlers and two boys were reported as having been savagely murdered by the Taranaki and Ngati-ruanui natives at the south side of Taranaki. Te Rangitake, on the other hand, at the north, announced that he made no war on unarmed people. When it was reported that the three settlers had been killed, volunteers, soldiers, and sailors sallied forth on the 28th to avenge them. The Governor himself addressed the militia and volunteers when they started by way

of the beach while the troops proceeded by the road. Colonel Gold was incommoded "by the disposition of the rebels to get round our left, and so cut us off from the main road," and abandoned his intention to go to the assistance of the volunteers, who, by the sound of firing, seem to be "hotly engaged." Being "ordered to return by dark," he did so, having throughout the day kept up "a frequent fire of rockets on the pah and any groups of rebels we observed." The volunteers were aided for a time by about a score of the 65th, and killed several Maoris, but suffered some loss themselves. The senior captain, Brown, reported "his surprise and regret" at the retirement of the 65th. His own position became "untenable," and he went with his dead and wounded to a post held by Captain Stapp, who learnt from the new-comers that the regular troops had been withdrawn. The natives were gathering round, and a council of war was held as to the position which could most easily be held. The senior gave way to two brother militia captains (Stapp and H. A. Atkinson), and attempts were made to throw up "breastworks of sheaves of oats and fencing,"<sup>1</sup> close to the homestead of a settler. Eight men of the 65th, who had remained, did "gallant service." The superiority of the English arms of precision was of great use, but it might have fared ill with Captain Brown and his men if Captain Cracroft of H.M.S. 'Niger,' with blue-jackets and marines, had not effected a diversion. He had landed his force at two o'clock, and from the Omata block-house he saw the fray. When Colonel Gold withdrew his men, Captain Cracroft, seeing that daylight was departing, discharged rockets at the Maori pah from a distance of 700 yards, and his men rushed forward, despising the fire which the waning light rendered inaccurate; and, in a few minutes, by scrambling over one another's backs, the 'Niger's' men had bounded into the pah amongst the astonished natives who were left in it, "destroyed everything living in the trenches," and captured the Maori flags. Captain Cracroft was unaware of the beleaguered condition of the volunteers whose

<sup>1</sup> I observe that in 'Reminiscences of the War in New Zealand,' T. W. Gudgeon (of the Colonial Forces, New Zealand), London, 1879, it is stated that "the material used for the parapet was straw and turnips." It may be presumed that the officer, who reported his proceedings forthwith, may be trusted as to this matter of fact.

assailants he thus disconcerted. At eight o'clock he had returned to Taranaki with the captured flags, and was soon on board his ship, which, in the exposed anchorage, could not be left without her crew. There was fear in Taranaki for the benighted volunteers, and an hour before midnight a band went in quest of them. They were met on the road. After the capture of their pah the disconcerted Maoris withdrew. The militia captain considered that the diversion "enabled us to retreat after dark unmolested." After the setting of the moon he started, and at half-past twelve o'clock, carrying "their dead and all the wounded but two (left at the Omata stockade)," the volunteers reached their anxious friends. Less than twenty Europeans had been wounded. One had been killed. More than thirty Maoris were said to have been killed.

The first-fruits of the crop which the Governor's advisers had sown were not gratifying to the community, whose leaders had recommended rapine. Nevertheless they considered every slain settler murdered by the Maoris, and described in glowing colours the gallantry of those who slaughtered the natives. The Maoris, on the other hand, were equally ruthless. A strange exception deserves notice. A settler, who was a Baptist minister, declined to serve in the militia. This the Maoris knew, and when their bands arrived to fight the troops, they made him and the Rev. Mr. Brown put on a white scarf to signify that no Maori would molest them. Thus distinguished they were shaken hands with by each Maori, and a notice, signed by Te Rangitake and other chiefs, was posted up, declaring that the Baptist minister, Mr. Brown, and other enumerated persons, were to be respected, and that their property was to be strictly preserved. They and their children were safe while the fighting raged around them. But not the less did the Maoris sack the abandoned homesteads of settlers with whom they were at war. Captain Cracroft retaliated. He steamed southwards on the coast, and destroyed native settlements at Warea and elsewhere. Armed parties sallied from Taranaki to gather what they could from the deserted farms, and to harass the natives, who in their turn pillaged and burnt. The Governor reported that Captain Cracroft had battered Warea "with good effect," but he earnestly asked for more forces. Having thus managed military

matters, he was going, he said, to Auckland, to meet the General Assembly, whose sanction for certain expenses was very desirable. There he organized militia and volunteers, and built defensive block-houses, but did not convene the Assembly. He sent friendly missives to the Maori king and other chiefs, and wrote a long account of a great Maori meeting (7th April, 1860) at Ngaruawahia, which Mr. Smith of the native department and some missionaries attended, and by which the importance of the king movement was impressed on the Governor's mind in a new manner. Deputations from distant tribes were "received in some state,"—"allegiance was tendered,"—"lands were presented to the league of which the king was the nominal head,"—"the king's council openly assume the right to decide on the justice of my proceedings, and consider whether or not they will aid a chief in rebellion against Her Majesty's Government;"—"under these circumstances" (the Governor said), "the dispute at Taranaki sinks into insignificance." But the ideas of his advisers still swayed him, for he added: "I cannot but think the occurrences at Taranaki fortunate, because, to use the expression adopted at the Maori king meeting, 'it has led to the discovery of the pah before the builders have had time to complete it.'" His last words were a prayer for "three regiments and a company of artillery without delay." The "fortunate occurrences at Taranaki," where "the issue had been carefully chosen" by his Ministry, demanded more men from England. Such was the position into which malign influences had led a man whom all his friends agreed in honouring as a frank, kind-hearted Englishman.

Mr. Smith at Ngaruawahia heard Potatau's explanation of the state of affairs at Taranaki. Mr. Richmond always relied much on the sale by Potatau to Governor Hobson of the claims of the Waikato tribe to the territory at Waitara, and alleged that the sale barred all Te Rangitake's claims. Potatau explained the matter differently. Payment having been made by Colonel Wakefield for land, he, as chief of the Waikato conquerors, was entitled to some of it, and as the receivers gave him none, he applied to the Government. But this did not affect the position of Te Rangitake. On the contrary, that chief never having been conquered (being, indeed, at the south

when the slaughter and captures of Pukerangiora took place), came back with common consent to the Waitara in 1848, the Waikato tribes having abandoned their claims in favour of the returning Ngatiawa at Potatau's request. Potatau had invited him to return to the land of his ancestors in consequence of the Governor's words to Potatau. There was, therefore, a "mana"<sup>1</sup> attaching to Te Rangitake as well as to Potatau. It was only his own share of the Waikato claim that Te Whero Whero could sell, and Te Rangitake's right was yet alive. Mr. Smith argued that the Government thought otherwise, and quoted the deed signed by Te Whero Whero in 1842 as conclusive, but failed to obtain an admission to that effect from the chiefs. They must hear the other side, they said. If Te Rangitake had no claim to the land, "he was wrong, and they would advise him to give up his opposition, but not otherwise."

The killing of the settlers by the Taranaki and Ngatiruanui after the English had commenced warfare, was not, in their eyes, murder, though a crime in the light of Christianity. Such acts were incident to Maori wars, and were in a great measure chargeable on those who caused the war. "Under any circumstances they regarded the proceedings of the Governor as hasty."

Interviews between Mr. Smith and the chiefs continued for days. He saw a sketch of the Waitara block, showing that Te Rangitake had special claims within it, and was told that application had been made by him for the aid of the Ngatimaniapoto. "Friends, blood has been shed—that of the land, and that of the men. Friends, when you see this, think of us. Friends, if you see it well to do so, come to us; or if you see it well, turn you to Auckland." A deputation from the Ngatiruanui and Ngatiawa arrived and formally tendered the allegiance of their tribes to the king. Mr. Smith could obtain no assurances that the Waikato or the Ngatimaniapoto would pronounce against Te Rangitake.

Mr. Buddle, a Wesleyan missionary, sent abstracts of speeches

<sup>1</sup> The story of 'Old New Zealand' by a Pakeha Maori, explains the numerous meanings of the word "mana." *Virtus, prestige*, authority, good fortune, influence, sanctity, luck, dominion, are all comprehended in it, though none contain it, and there is a Maori essence of meaning still left in it, which none of them express.

made by leading chiefs (11th April) on the arrival of the deputation. It is noticeable that Mr. Richmond and Governor Browne found more favourable commentators amongst the Wesleyans who were friends of Ihaia, than amongst members of the Church of England who were friends of the murdered Katatore and of Te Rangitake. Mr. Buddle pointed out that the speech of the orator Karaka Tomo Te Whakapo of Rangiaohia contained the Waikato decision. Enigmatically he counselled peace. Their mottos were, "Te whakaponu, te aroha, te ture,—religion, love, law." "Let us build our pah; let us complete it; let it be quite finished." Mr. Buddle interpreted this figurative speech as meaning that the king movement was not yet strong enough to enable the Maoris to deal high-handedly with the Pakeha. He was alarmed, and thought the Governor's proposal of a congress of influential chiefs should be adopted by the Government. Other chiefs used violent language. Te Paetai from Kihikihi enumerated the sins of the Pakeha against Rangihaeata, against Honi Heke, and against Rangitake. "Murder is talked of, but it was not murder, it was only a thing joined or added (he apiti). Tell me, was it murder?—No; he apiti"—(loudly replied the Ngatimaniapoto). "According to the law of Christianity it was murder, but according to the Governor's it was he uru whakaara" (*i.e.* a part of the battle begun by the Governor). There was a gleam of comfort in the fact that a great Southern chief, Wi Tako Ngatata, who had gone to Waikato to meet the king party, visited Taranaki on his return homewards and wrote thence to dissuade the Waikato tribes from joining "the sin of Te Rangitake." The value of this letter was diminished when Dr. Featherston told the House at Auckland that he, with the Speaker and others, visited Wi Tako on his return to the Hutt, and asked, "What was the meaning of his saying that 'the wrong was Te Rangitake's'?" "I will tell you," replied Wi Tako. "Te Rangitake wrote to the Waikatos telling them that he had retreated to the mountains, but shortly afterwards he returned to the disputed land, and thus the fighting began. This is what I meant by saying the wrong is Rangitake's." "What, did you not mean to admit that he had no title to the land—no right to forbid the sale?" The words were scarcely out of my mouth before Wi Tako, Te Puni,

and other chiefs present cried out, 'Kahore, kahore, kahore' (No, no, no). 'The Governor is in the wrong. Te Rangitake has land in the block, his wife has land, his son also. Te Puni and others (named) also own portions of the land sold by Teira.' Wi Tako and Te Puni then explained that the land was divided into small allotments; that these allotments were marked out by stones; that many of them had names; and said that if we would accompany them to Waitara, they would point out the allotment of each individual. Wi Tako added that Teira had no more right to sell the 600 acres than a man owning an acre in Wellington would have a right to sell the whole town." Upon Wi Tako's letter, nevertheless, the Ministry based mountains of argument in favour of their policy. Yet as they had with the aid of a legal opinion from England debarred Maoris from the suffrage because of their "occupation by tribes or communities," and as Mr. Richmond and Mr. Whitaker were lawyers they might have been supposed capable of understanding that a payment to Teira and a few others could not annihilate the rights of the majority of the tribe. But what they used for one purpose they repudiated for another.

The Maori king at the end of the gathering of the chiefs at Ngaruawahia enjoined peace, and desired that the Ngatimaniapoto should take no guns with them in escorting the Ngatiruanui home to Taranaki. The chief Rewi thus described (in the author's hearing) what he and Potatau did. They were at Ngaruawahia. "The people clamoured for war. I said, 'No; do not go to the fight.' I wished the matter to be referred to the missionaries in order that they might lay it before the Government. Wetini said, 'No; let us go to the fighting; let us waste no time in investigations.' Purukuru went to Kihikihi (Rewi's settlement), and, at the runanga there, the people first resolved to go and fight. Epiha was the first to urge it, and Rewiti supported him. When Potatau heard of the runanga, he asked me to follow the war-party to dissuade them. I overtook them at Mokau and asked them to return. Epiha refused, and said I might return by myself. I then wrote to Parris and asked him to meet me. He did so, and was in danger of being killed. Then there was fighting at Taranaki in which the



Pakehas were worsted. Then it was that I consented to the war, and warned the people that if I joined the fighting it would not speedily come to an end."

Mr. Parris' escape deserves to be chronicled. Receiving Rewi's message on the 11th May, he started northwards, and at Pukekohe met the war-party, consisting of about fifty Ngatiruanui and Taranaki men, and about 150 Waikato. There was evident disagreement between Rewi's Waikato friends and the Ngatiruanui and Taranaki natives who were being escorted home. The treatment to be shown to Parris divided them. The Ngatiruanui and Taranaki men started by themselves in anger. Epiha went to Parris and upbraided him for approaching the war-party without sending a messenger or letter beforehand. "If we had met you on the march you would have been shot dead without our being able to save you." After long and eager converse Epiha went in advance to Urenui to endeavour to counteract the ambush which the Ngatiruanui and Taranaki were bent on forming. At Urenui many Maoris were assembled, and amongst them Parris thought that by the starlight he saw some of his enemies. He was hustled. The authority of Epiha and another chief caused the crowd to fall back. An armed band of Waikato took charge of Parris. There was an advance-guard and a rear-guard. A Waikato warrior on each side grasped his hand. At Wairau he was called upon to join in an extempore prayer for the King, for the Queen, and for his own safety. All danger having been passed he was allowed to proceed alone. He poured forth natural thanks to his preserver. Epiha answered: "Do not attribute your deliverance to me, but to God. I shall yet meet you as an enemy in the daylight. You have seen that I would not consent to your being murdered."

Governor Browne asked for the opinions of his Ministry on the situation into which he had been seduced. Mr. Richmond, as their mouthpiece, drew up a long and argumentative memorandum (27th April), narrating all past facts, and defending the contempt shown for Rangitake's claims. "The question of title is one on which persons not versed in the intricacies of native usage cannot expect to form an independent judgment." McLean, Parris, and the Wesleyan missionary Mr. Whiteley,

were adverse to the claim of Rangitake, and the chief, Wi Tako, had written a letter condemning him. But the pretensions of the king movement though absurd "were not less dangerous." The natives despised the warlike prowess of the English, "and it must be confessed that the imperfect success of military operations in New Zealand has given some countenance to the natives' fixed opinion of their own superiority." Everywhere in the Northern Island, except to the north of Auckland, "the determination to shake off the British dominion has been steadily gaining ground." A war of merciless character was probable. With daring irreverence for facts Mr. Richmond said: "The colonists as a body are in no degree responsible, directly or through their representatives, for the existing state of affairs. They have never had the direction of native policy, nor have they dictated, or even suggested, the acts of the Imperial Government in its relations with the natives; but they approve of the stand made by his Excellency in the Taranaki case, and are naturally willing, as their present attitude proves, to risk life itself in the maintenance of the Queen's authority over the islands of New Zealand." But the colony had not resources for the struggle. England must provide them. Of this memorandum the Governor on the day of its date sent twenty-five printed copies to the Secretary of State. About the same time the Provincial Council at Napier (Hawke's Bay) passed a resolution congratulating the Governor on his policy at Taranaki, "at present under martial law owing to the meddling of disaffected aborigines." This was too much for Bishop Selwyn's patience. He sent a deliberate protest (28th April, 1860) on behalf of his Maori flock to the Government. Martial law was, he said, proclaimed before a single native had taken up arms, though there had been "unarmed obstruction of the work of the surveyors." He claimed on behalf of the Maoris an investigation of all land titles before a regular tribunal, with the usual safeguards against partiality or error, viz. evidence on oath, arguments of counsel, and right of appeal; abstinence from employing military force till all civil measures might be found ineffective; and, as the "colony was avowedly formed not for the acquisition of territory for the English race, but for the protection of the New Zealanders," he demanded that "this primary

object shall not be sacrificed to the aggrandisement of the English provinces." The Governor wrote (25th May) with regard to the Bishop's remonstrance: "The cordial support which I have received from my responsible advisers, and their avowed approval of the policy I have thought it my duty to pursue, have been most gratifying to me and deserve my warmest acknowledgments." The Ministry spent nearly a month in preparing a memorandum to be sent to England with the Bishop's protest, and thus postponed its arrival in England until August. They complained that it was "an indirect attack," and their reply occupied nearly ten times as much space as the protest. They averred that Te Rangitake's advocates "strangely jumbled" the Maori "mana" with English feudal law. "As to the proclamation of martial law, that was a measure of precaution rather intended to restrain, if necessary, the European population than directed against the natives." It was "blind unreason to expect that Te Rangitake could or ought to be dealt with in all respects as a peaceable citizen." They denied that the primary object in founding the colony was the protection of the Maoris. "If his Lordship" (the Bishop) "desired to arouse and stimulate the hatred of race, he could not do so more effectually than by such assertions. . . . Once let it be understood that the interest of the settlers is to be subordinated to that of the natives and a war of races is inevitable." Te Rangitake's claim was "simply the right of the strong arm. . . . The matter was to all intents and purposes *res judicata*. But had this been otherwise a trial with the usual safeguards against partiality or error, viz. evidence on oath and arguments of counsel, would under the circumstances have been something more ludicrous than has yet been seen in our public dealing with the Maoris, which is saying a great deal." The document concluded by enumerating the hardships of the settlers exposed to Maori violence, their respect for law, and their laudable desire to establish British supremacy; and by declaring that the decisive action of the Governor, with which the Ministry concurred (though they denied being the cause of it), was dictated by regard for the welfare of New Zealand, for the dignity of the Crown, and for those just principles which had previously regulated the conduct of the British Government in the colony. It

was natural indeed that the settlers, aware of the ferocity of Maori warfare, should fervently desire to see violence put down by the strong arm ; and peace, if possible, secured. From every province addresses were sent to the Governor. The Canterbury Provincial Council proffered assistance and an asylum for refugees from Taranaki. The Taranaki province prayed, "That your Excellency will not make peace with Te Rangitake upon any terms in the least compromising the Queen's supremacy, and that as regards the Taranaki and Ngatiruanui natives that no peace will be made with them until they have been severely punished for the barbarous murders committed by them upon unoffending and helpless settlers, and that compensation will be exacted from them for the ruinous losses sustained by the settlers in the marauding expedition of these natives." Thus wrote Mr. Cutfield the superintendent, and twenty-two others. It is the curse of a wrongful act that it entails suffering upon the innocent. Homes were devastated ; farms, flocks, and herds had been abandoned to Maori ravagers. Taranaki was crowded with flying settlers, whose wives and families were deported to safer harbours. But no dismay was in the hearts of those who remained. They would brave all dangers of war, "would rather abandon the hearths for which they have lately fought, to commence again the arduous labours of founding a new home, than run the risk of being again subjected to the domination of a savage race." Mr. Richmond had sown the dragon's teeth, and the blood of descendants of the Norsemen was as hot as that of the fiery children of the South.

A memorial of a different nature reached the Governor in April, 1860. Archdeacon Hadfield sent him a petition, numerous signed by Maoris at Otaki, asking the Queen to remove Colonel Browne on account of his unwarrantable proceedings at Waitara. He detained the petition for a month, because it was "an evident translation from English,"—some names were in European handwriting, and he wished to inquire as to the genuineness of the signatures. Nepia Taratoa, Kingi Te Ahoaho, and 495 others subscribed it. In May, the Governor transmitted the petition to the Secretary of State, with letters from the resident magistrate and the District Commissioner, imputing the petition to the advice of Archdeacon Hadfield. It

was admitted, however, that the chiefs held a meeting at which the Archdeacon was not present, and that some violent speeches had been made against the Governor's conduct. From his correspondents the Governor learned that most of the signatures were written without consulting the persons represented. The petition was worded as inoffensively as such a petition could be. It deplored the loss of Governor Grey, who only punished Maoris when they were wrong, asserted that Te Rangitake was a loyal subject, that the Queen (they knew) did not want to take away their lands unjustly as was being done by the Governor, and prayed for a Governor "competent properly to carry out the Queen's measures." When in August, 1860, Archdeacon Hadfield saw in sessional papers the imputation that he had originated the petition, he sent through the Governor a letter to the Secretary of State denying that he had directly or indirectly originated or suggested it, and adding that he believed it to be genuine and spontaneous. The statements to the contrary had been obtained from one Maori who had been removed from office (as a teacher) by the Archdeacon many years before. Far from regarding the action of the petitioners as insubordinate, the Archdeacon cited it as a proof of the advancement of religion, civilization, law, and order among them, that more than 500 of them had met in a time of great excitement, and after two or three days' deliberation addressed a humble and loyal petition to the Queen. As to the Governor's statement that the language proved the petition to be translated from the English, "in the opinion of some of the best Maori scholars in the country" the fact was otherwise. The Archdeacon warned the English Government against confounding dissatisfaction at the Governor's proceedings with disaffection to the Crown. "I would further observe, that whereas the natives of this country are a high-minded people, and at present have no legal tribunal to appeal to for the protection of their territorial rights, there will be great danger, if they are debarred from using the right open to all British subjects of petitioning the Crown in a constitutional manner for the redress of their wrongs, that they will be driven to seek redress by force of arms." As Mr. Richmond on more than one occasion rejoiced in the idea that the war was brought about before the Maori king

party had been consolidated, the Archdeacon's fears found no sympathy among Colonel Browne's Ministers, and the Governor himself was but a floating accompaniment of the prevailing stream. His Attorney-General, Mr. Whitaker, was contemptuous as Mr. Richmond of abstract rights on the part of the Maoris.

On the 6th April, the Governor notified to the colonists at Auckland that the town and district were secure against "any attack which could be made by the largest force the Maoris could bring into the field." He had no sooner dissipated the fears of the Europeans, than the pensioners and others began to insult the Maoris in the town. "Unless something was done to prevent it collision would be inevitable, and the whole native population would be in arms against us. I therefore published a notification," "to ensure friendly treatment for individuals of the native race." To the colonies in Australia Colonel Browne had written from Taranaki in hot haste in March, asking for reinforcements with the least possible delay. Wiser heads than his had been watching events for some time. Sir Henry Barkly, Governor of Victoria, when he heard (7th March) of the proclamation of martial law at Taranaki foresaw that all the soldiers in the south would be called for to support the authority of the Crown so rashly jeopardized. He telegraphed at once to Sir William Denison (Governor . . .) in Sydney, inquiring if assistance had been asked for; but, being answered in the negative, consulted with Major-General Pratt (Commander of the Forces), so that all things might be in readiness for the event which was sure to follow. When the cry for help arrived in April, detachments of the 12th and 40th Regiments were despatched from Sydney, Melbourne, and Tasmania. The armed colonial steam-sloop 'Victoria' was sent from Melbourne. The provident Sir H. Barkly suggested to other Governors that they should follow the example of Victoria, in prohibiting by Order in Council the exportation of arms and ammunition to New Zealand, "except under special permit." For the "sympathy and generosity" shown in Victoria, the Duke of Newcastle conveyed the warm thanks of the Government. Sir William Denison read a moral lesson to Colonel Browne and his advisers, which, if they had been wise, might yet have saved life and honour. Colonel Browne in his appeal dwelt on the

marvellous manner in which seventy Maoris in a pah built in one night kept Colonel Gold nearly two days from effecting an entrance, protecting themselves in excavations from "a heavy and constant fire from two twenty-four-pounders and two rocket-tubes," and finally "evacuating it with a loss of only four wounded." With this specimen of the task to be done by the English, he forwarded a memorandum written by Mr. C. W. Richmond, showing the premeditation with which the Ministry plunged into the affray, and hoped to involve their countrymen in it. "An occasion has now arisen on which it has become necessary to support the Governor's authority by a military force. The issue has been carefully chosen—the particular question being as favourable a one of its class as could have been selected." Unconsciously the writer framed an indictment against himself—for in three years the Government abandoned as unjust the so-called favourable claim at Waitara. He added that the Maoris who promoted the king movement asserted "national independence," and opposed further extension of European settlement. The military force "should be forthwith augmented to the greatest extent practicable." Sir W. Denison promptly sent succour. Commodore Loring despatched H.M.S. 'Cordelia,' and the 'Iris.' The 'Pelorus' left Melbourne; and nearly a thousand soldiers and sailors were sent to New Zealand within ten days of the demand for reinforcements. On the 16th May, Sir W. Denison sent to Colonel Browne a confidential commentary upon Mr. Richmond's memorandum. "I do not think," he said, "that you have derived much information from this document. The views and opinions of your responsible advisers are to all appearance confined to these: first, that they ought to have something to say in the discussion of questions having reference to the natives (of whom I observe by the way they are in no way the representatives); and second, that as they are unable to defend themselves, England should step in to help them." But the manifesto opened up the wider question of the whole policy of the Government towards the Maoris. Sir William Denison accepted the election of Potatau as evidence of their willing assent to the establishment of some system of Government amongst themselves. Mr. Richmond had passed lightly over "the causes which have induced a people,



consisting of clans or septs analogous to those which used to occupy the Highlands of Scotland, to forget their old feuds, and unite together for a common object." Their position as subjects of the Queen imposed limitations without corresponding benefits. Their lands were obtained from them at nominal rates, and retailed before their eyes at an enormous advance in price. Mr. Richmond's "policy and that of his colleagues would lead to steps, which, if they were backed up in England, would in a short time annihilate the Maori race, and permit the occupation by the white man of the rich land, yet in native hands, upon which for years past greedy and longing eyes have been cast. My view, however, of the Maori is very different—he is the subject of the Queen, and as such is entitled to have his rights respected and his feelings considered; he has shown an aptitude for civilization which ought to be encouraged; his efforts to raise himself in the social scale should be assisted. If this policy were carried out steadily and consistently, all causes of disaffection would soon be done away: there would be an end to these petty warfares, which, while they cause a large expenditure of money, result in nothing but an aggravation of the feeling of hostility between the races. The Government, it is true, would be abused by certain classes of the white population. The land speculators might grumble, but I feel convinced that the prosperity of the colony and the happiness of the people would be promoted by such a change of system." He reminded Colonel Browne, that in 1857 he had in New Zealand personally suggested the necessity of such legislation. Late occurrences had strengthened his opinions. He urged his friend to recognize the Maori craving for legitimate authority. He would not quarrel with the name—chief or king; if the Maoris in search of order would bend to any paramount authority and submit their schemes to the Governor, let him utilize those schemes. The first effect would no doubt be to diminish land purchases. "The Maoris will decline to sell: and were I in your place, I should be in no hurry to buy." Eventually the appetite for gain would lead to further sales. He gave his opinions merely for what they were worth, and apologized for obtruding them, differing as they did from those of Mr. Richmond and his friends. The ordinary course doubtless would be to treat the

Maori as a rebel, to overwhelm him with troops, regardless of expense, and sweep from the earth a "race which occupies land of which the white man professes to be in want, though he has millions of acres of which he can or does make no use." Thus the Imperial Government would buy, at high cost of blood and treasure, land which it would hand over to the colonists to be sold for their benefit. Costly, immoral, and impolitic would be such a policy, and he commended the alternative to Governor Browne's consideration ; sending at the same time a copy of his despatch to the Secretary of State, and trusting that he would not be deemed to have meddled presumptuously with a matter which did not concern him.

It would have been well if Lord Derby had held the seals of the Colonial Office when Sir William Denison's despatch arrived there in August, 1860. It was perhaps fortunate that the Duke of Newcastle was absent in America, and that Sir G. Cornwall Lewis presided temporarily in Downing Street. But though wiser than the Duke, he did not pierce so far into the matter as to prize at its worth Sir William Denison's advice. Bishop Selwyn, writing to his friend, Sir John Patteson, explained that he and Sir William Martin had been compelled to make a stand against the violent change initiated by Governor Browne under his new prompters. "Up to the time when the soldiers were sent to Taranaki I was in the most friendly communication with the Governor and his Ministers. Sir William Martin was his constant adviser in all matters relating to the social improvement of the natives, and had just compiled a small code of rules for the use of native magistrates at his request. We had not even the opportunity of offering advice, for we heard nothing of the matter till the order was given for the troops to embark." The new keepers of the Governor's conscience, like Lady Macbeth, feared his nature. Like Macbeth's it was "too full of the milk of human kindness" to be trusted if wise cautions of Martin and Selwyn should reach him. Unless he could be entrapped into a struggle, from which it could be impressed upon him that without success in war he could not extricate himself with honour, there was danger lest the new policy might, by a few words of truth and soberness, be exploded. If Martin or Selwyn should hear of the plot those words would be spoken.

The Governor preserved the requisite secrecy. "The affair" (the Bishop wrote) "was announced by the Government, and looked upon by the natives as the beginning of a new policy for the whole of New Zealand. It became necessary for us to enter the strife, and I hope it was done temperately and respectfully." Colonel Gold used reinforcements at Taranaki in carrying on the melancholy strife. Being instructed not to attack Te Rangitake (for in their secret minds Colonel Browne's advisers must have feared that the English Government would detect the injustice committed at Waitara), he marched on the 20th April to Tataraimaka :—destroyed houses, and machinery of a water-mill, and scattered to the winds quantities of wheat and grain at a large Maori settlement; shelled a pah at Warea, destroyed it and the property it contained; and regretted, on the 4th May, that he could do no more in the south, though he felt "assured that the destruction of the mill and crops, corn, houses, canoes, and ploughs, at the different stations we went to, will severely cripple the resources of the Taranaki natives this winter." He was prepared to attack Te Rangitake when permitted. But Colonel Browne feared that such an attack would stir the Maoris to union. "For this reason," he told the Secretary of State, "I have requested Colonel Gold to refrain from attacking Te Rangitake again unless that chief commences hostilities." To such a pass had ill advice reduced him that the object for which he proclaimed martial law was already abandoned, and the efforts of the troops were directed against the Taranaki natives, to whom Colonel Gold was ordered to "show no forbearance." Hearing that the king natives were to assemble at Ngaruawahia in May, Browne invited all the most important chiefs, well-disposed to the English, to meet him at Auckland on the 2nd July. Throughout June the state of the roads prevented Colonel Gold from operating against the natives to the south of Taranaki.

Donald McLean went to the meeting at Ngaruawahia with Wiremu Nera, a friendly Waikato chief. From the 21st to the 29th he constantly attended it. It was composed principally of Waikato, Taupo, and Manukau natives, about 3000 in number. The main object was to confirm Potatau as king and to erect his flag. War-dances were "indulged in with savage delight," as

the lower Waikato and Manakau natives landed from their flotilla of canoes. Orators expressed "discontent with the Governor for not consulting Potatau and the Waikato Maori assessors before he declared war; and said the land sold at Waitara would be held by the king natives, conjointly with Te Rangitake, if the sale had taken place, since the flag was sent there, or if he could establish a title; but if not, and his title proved defective, it should be handed over to the Governor." The majority of the meeting staunchly supported the king movement. Some were moderate adherents. Some opposed it as likely to lead to a war of races. Wiremu Nera was one of the last class. To show that he required no support, Mr. McLean requested Wiremu Nera to leave before McLean harangued the meeting. Te Heu Heu interrupted him, but sat down when requested to do so, and McLean's speech was unfinished at night. It was to be resumed in the morning, but the Maoris were slow to assemble, and as McLean heard that the flagstaff was to be reared that day—a ceremony he desired not to see—he bade farewell to Potatau, who was very friendly to him. The flagstaff was erected on the 29th May, and named after Potatau's ancestor, Te Paue. Potatau on that day spoke publicly for the first time, and spoke in friendly terms of the English. McLean could not gather that there was any intention to molest the Europeans, and his report showed that his mind was tossed by doubts as to the king movement. It had an early origin in men's minds, he said. The founder of the New Zealand mission, Marsden, had first suggested it, and the Ngapuhi (Waka Nene's) tribe were then favourable to it. It failed through inter-tribal jealousies, but had frequently been revolved in Maori minds. Designing Europeans had constantly urged it. Land was a powerful lever in supporting the movement. "It is not to be wondered at that an imaginative and poetic race like the New Zealanders, whose memories live so much in the past, should have a strong attachment to the land of their forefathers. . . . Almost every mountain, hillock, forest, valley, river, or stream has its particular history of wars, defeats, conquests, or secret repositories of their dead . . . and while the Europeans are too apt to believe that the land is a mere article of commercial exchange, of little consideration beyond its

monetary value, the natives on the other hand from motives not easily understood or appreciated deem the alienation of certain spots which they regard with romantic veneration as a species of desecration." With such knowledge, if he could have had the courage of his convictions, McLean might have kept the Governor from wrong-doing, but he sturdily maintained at Ngaruawahia the validity of his purchase from Teira. The king-maker, Te Wahanui, advised the chiefs to find out who was in the wrong. "Let us not take up an unrighteous cause. Let us search out the merits of the case, that if we die we may die in a righteous cause." Kopara Ngatihinetu said: "Let us have patience till our friends who have gone to Taranaki shall return, then we shall know the merits of the case. . . . If the land was paid for before the flag reached it the Governor is right; if not, then the matter cannot rest where it is. If the mana and flag went before, we must contend for our land." Te Wetini said: "If the Governor's money was laid down for the land at Waitara before it came under our law then he is right. . . . If the land was purchased after it became ours then I shall show my love to Rangitake." With such councils amongst the friends of the Maori king there was yet space for repentance, but there is no sign that the Governor or his advisers repented. McLean reported that Potatau's advisers kept records, assigned certain duties to certain chiefs, and appointed councillors, magistrates, and constables. The king-maker was "actively engaged in preparing a new code of laws, using such portions of the 'Nga Ture,'<sup>1</sup> which was published by the Government in Maori, as may suit the purposes they have in view." Admitting (May, 1860) that the king movement might, under other circumstances, have been regarded as an interesting feature of progressive advancement, McLean feared that as matters stood concessions might be construed as a recognition of proceedings injurious to British supremacy.

Another door of peace was thus closed. In June the Bishop of Wellington and Archdeacon Hadfield made an effort to avert the horrors of war. They appealed to the Secretary of State as a last resource. If the dispute about the Waitara had been between two Englishmen, or between the Government and an

<sup>1</sup> A compilation by Sir W. Martin.

Englishman, it would have been decided in the law courts; whereas in the case of Te Rangitake the whole colony had been taken "by surprise by the Governor's attack" upon a chief who, in 1846, was the firmest and most useful ally of the British Government in war, and the one great southern chief, moreover, who, up to the time of the Waitara dispute, had always been opposed to the Maori king movement. The Bishop and Arch-deacon prayed that the Governor might be directed not to adopt a different course towards Maoris from that adopted towards Englishmen, but to act in accordance with the letter and the spirit of the treaty of Waitangi. Mr. Richmond furnished the Governor with a memorandum, the real value of which may be gauged by one sentence. "The question (of Rangitake's rights) was absolutely decided by the Governor's acceptance of Teira's offer in the face of Te Rangitake's known opposition." Mr. Richmond admitted that it was true that the colonial public was not previously informed that the soldiers would be employed to support the survey of the Waitara block. "The question was one of Imperial policy, the public agitation of which in the colony would have been likely to produce more harm than good." The possibility that a knowledge of the new policy might have brought warnings from Sir W. Martin or Bishop Selwyn home to the conscience of the Governor, would not have seemed good in the eyes of Mr. Richmond. In his despatch the Governor said: "I certainly did not contemplate war, and it was not Her Majesty's troops but Te Rangitake who commenced it." He promised a statement of the whole case, which was "in course of preparation."

At this juncture Mr. Weld threw his weight into the Ministerial scale. In an address to the electors of the Wairau (1st May, 1860) he showed the baneful influence of Mr. C. W. Richmond upon his mind. "The question<sup>1</sup> at Taranaki is not in any way of ownership or title to land: it is this—Can a chief who assumes

<sup>1</sup> In after years Mr. Weld admitted that "this sentence was not very clear," but affirmed that neither by himself, nor Messrs. Dillon Bell and Stafford, who saw it, was it deemed a denial "of tribal rights, where tribal rights existed." The minds of many public men in New Zealand, in 1860, were clouded, when such a sentence could be so written and understood by so honourable a man as Mr. Weld.

tribal authority forbid the exercise of rights of ownership by a native owner of land?" He had been told that his "accession to the Ministry would add to his strength," and intended to join it. Thus pledged at the outset, Mr. Weld unfortunately saw everything with Mr. Richmond's eyes, and a judgment which might have been useful to the General Assembly was comparatively lost to it. In July, 1860, he became an Executive Councillor, and in November, 1860, succeeded Mr. Richmond as Native Minister. Mr. Richmond is entitled to the benefit of the fact that his views received sympathy from Mr. Weld. Yet it may be hoped that the latter would not have originally adopted the position which a coalition with the former compelled him to assume. His sympathy with the rape of the Waitara block is a warning that where feelings and interests are concerned judgment is easily clouded. Like Mr. Richmond, he repelled the idea that Te Rangitake was expelled from his home, but has written: "It is, I dare say, true that *after Te Rangitake left*, his settlements were looted by troops, or by Teira's people, who then considered him at war and acted accordingly." Nothing more is wanted to condemn Mr. Weld's contention than his own words, by which the robber of a bird's nest might prove that he did not rob it because the bird flew away at his approach.







